

Proviso.

draw: *provided, however*, that if the trains should be approaching, the draw shall remain closed a reasonable time for the train to pass over, and provided this act shall not abridge existing rights of railroad companies, and that a reasonable time shall be allowed for the passage of vessels through the draws.

Fine for obstructing superintendent, etc.

SECT. 5. Any person obstructing such superintendent in the performance of his duties as prescribed by this act, or violating the provisions of this act, shall, upon conviction thereof, pay a fine of not less than three, nor exceeding fifty, dollars.

Fine for obstructing draw or damaging bridge, etc.

SECT. 6. Any person who shall break, deface or impair any such bridge, wharf or pier, or shall unnecessarily open or obstruct the draw without the consent of the superintendent, or shall without such consent make fast, or moor, to such bridge any scow, raft, or other vessel, within wake of the draw, shall, upon conviction thereof, pay a fine of not less than three, nor more than twenty, dollars.

SECT. 7. If any person shall wilfully injure or damage any railroad bridge, wharf or pier, or shall wilfully disturb or hinder the superintendent in the discharge of his duties as aforesaid, he shall forfeit and pay for each offence a penalty of not less than fifty, nor greater than one hundred, dollars, to the use of the Commonwealth, to be recovered by indictment or information in any court of competent jurisdiction; and such persons so offending shall be further liable to answer in damages to the corporation upon whom the offence is committed: *provided*, that nothing in this act shall be construed as intending to impair or affect the legal rights of any person whatever.

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SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

Chap. 435

An Act for supplying the City of Lowell with Water.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May take and convey water from Merrimack River.

SECT. 1. The city of Lowell is hereby authorized to take, hold and convey, into and through said city from the Merrimack River, at any point thereof within said city that may be deemed expedient, sufficient water for the use of said city and the inhabitants thereof, for the extinguishment of fires, domestic and other purposes; and may also take and hold, by purchase or otherwise, any lands or real estate

May take and hold land, etc.

within said city necessary for laying and maintaining aqueducts or pipes, constructing and maintaining reservoirs, and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging, or disposing of said water.

SECT. 2. The city of Lowell shall, within sixty days from the time they shall take any lands for the purposes of this act, file in the office of the registry of deeds for the northern district of Middlesex, a description of the lands so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by the mayor of said city.

Description of land taken to be filed, etc.

SECT. 3. The said city may make, build, lay down and maintain, aqueducts and pipes from said Merrimack River, into, through and about said city; construct and maintain reservoirs; and may make, erect, and maintain and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city; may make and establish such public hydrants, in such places within said city as may, from time to time, be deemed proper; and prescribe the purposes for which the same may be used; and may change or discontinue the same; may distribute the water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice, and not objecting thereto; may regulate the use of said water, and establish, receive, and collect the prices or rents to be paid therefor; and the said city may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes, or other works by them to be made, laid down, or conducted over, under, through, or across any water-course, canal, street, bridge, railroad, highway, or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street, or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient, and proper for carrying out the purposes of this act.

May build aqueducts, reservoirs, etc.

May dig up streets, etc.

SECT. 4. All pipes, aqueducts, and other works constructed, or erected by said city by virtue of this act, in, under, or over any of the canals of "The Proprietors of the Locks and Canals on Merrimack River," shall be so constructed, erected, and laid, as, when completed, not to obstruct the

Pipes, etc., not to obstruct flow of water.

navigation in said canals, or either of them, or to interrupt or impede the flow of the water in the same.

Rights, etc., of this act, to be exercised by city council.

SECT. 5. The rights, powers and authorities given to the city of Lowell by this act, shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants, as the city council shall, from time to time, ordain, appoint, and direct.

Lowell may issue notes, scrip, etc.

SECT. 6. For the purpose of defraying the expenses which may be incurred by the city of Lowell in carrying into effect the powers granted by this act, the said city of Lowell shall have authority, from time to time, to borrow such sum or sums of money, and to issue notes, scrip, or certificates of debt, therefor, to such an amount as the city council shall, from time to time, deem expedient, bearing interest not exceeding the legal rate of interest in this Commonwealth; and the principal shall be made payable at periods not more than twenty years from the issuing of said notes, scrip, or certificates of debt, respectively; and the city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as the city council shall judge proper. And the city council of said city is hereby authorized, from time to time, to appropriate, grant and assess such sum or sums of money as shall be deemed expedient, towards paying said expenses, or the principal of the money so borrowed or obtained, and the interest thereof, in the same manner as money is appropriated, granted and assessed for other city purposes.

When payable.

City may assess sums expedient, etc.

Damages, how to be ascertained, etc.

SECT. 7. All persons and corporations who shall be damaged in their property by the taking of any lands or water, the building of reservoirs, aqueducts, or water-works, or the laying of pipes, or in any other way in carrying into effect the powers hereby granted to the city of Lowell, unless the said city shall, within sixty days after request in writing made to the mayor of said city, pay or tender to the person or corporation so damaged, a reasonable compensation therefor; shall have the same remedies as are provided in the thirty-ninth chapter of the Revised Statutes for persons damaged by railroad corporations.

Penalties, how recovered.

SECT. 8. If any person wantonly or maliciously shall corrupt the water in, or destroy or injure any aqueduct, reservoir, pipe, conduit, hydrant, machine or other works or property, held, owned or used by the said city of Lowell, by the authority and for the purposes of this act, every such

person or persons shall forfeit and pay to the said city, three times the amount of damages that shall be assessed therefor, to be recovered by any proper action; and every such person or persons may, moreover, on indictment for and conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

SECT. 9. Nothing in this act contained shall be so construed as to give to the city of Lowell the right to authorize the use, by any other persons or corporations, of the water of Merrimack River, taken under the provisions of this act for mechanical or manufacturing purposes, otherwise than for creating steam.

City authority limited in use of water.

SECT. 10. The mayor and aldermen of the city of Lowell shall notify and warn the legal voters of the said city to meet in their respective wards on such days as the said mayor and aldermen shall direct, not exceeding sixty days after the passage of this act, for the purpose of giving their written votes upon the question whether they will accept the same. And if a majority of the votes so given upon the question aforesaid, shall be in the negative, this act shall be null and void.

Act void, unless accepted by inhabitants.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]

An Act concerning School Books.

Chap. 436

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city and town is hereby authorized to furnish the school books and stationery used in all the public schools, under the supervision of the school committee, at the expense of said city or town; and the school committee shall make such regulations as they may deem suitable and expedient respecting the supply, use, care and preservation of said books.

School books and stationery furnished in public schools.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1855.*]