

Proceedings in case S. J. C. declare balloting void.

SECTION 13. If any election or balloting upon the question of the acceptance of this act, by either said city or said town, shall within two months thereafter be declared void by the supreme judicial court, upon summary proceedings, which may be had in any county on the petition of fifty voters of either said city or said town, the question of accepting said act shall be again submitted to the legal voters of said city or town, and a meeting therefor shall within thirty days thereafter be called, held and conducted, and the votes returned and other proceedings had thereon, in like manner as herein before provided. But no election or balloting shall be held void for informality, in calling, holding or conducting the election, or returning the votes, or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter, as aforesaid. *Approved June 4, 1869.*

**Chap. 350** AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF EGREMONT AND SHEFFIELD.

*Be it enacted, &c., as follows:*

Boundary line established.

The line between the towns of Egremont and Sheffield, between the points named, shall hereafter be established as follows, to wit: beginning at a post standing on the easterly side of the Harmon Pond, so called, being a corner in the present line between said towns; thence north three degrees and four minutes east eighty-nine chains to a stone monument; thence north seventy-six degrees and forty-five minutes east, sixty chains and thirty-eight links to a stone monument standing at a corner in the present line between said towns.

*Approved June 4, 1869.*

**Chap. 351** AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF LOWELL WITH WATER."

*Be it enacted, &c., as follows:*

Lowell may convey water from Dracut and Tyngsborough, for use of inhabitants.

SECTION 1. The city of Lowell is hereby authorized to take, hold and convey to, into and through the said city from Beaver Brook, so called, in the town of Dracut, Long Pond, in Dracut, and Tyng's Pond, in Dracut and Tyngsborough, and the waters which flow into and from the same, sufficient water for the use of said city and the inhabitants thereof, for the extinguishment of fires, creating steam, domestic and other purposes; and may also take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes for conducting, discharging, disposing of and distributing water, constructing and maintaining reservoirs, dams and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of

—may hold lands necessary to maintain aqueducts.

said water; and may take and hold any land on and around said ponds and Beaver Brook, for the purpose of raising water to such height as may be necessary for the purity and preservation of the same, and for the purpose of furnishing a supply of pure water for the said city of Lowell.

—may hold land around ponds and brook for raising water to necessary height.

SECTION 2. The city of Lowell shall, within sixty days from the time they shall take any lands, ponds or streams of water 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, ponds or streams of water 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.

—to file description of land taken in registry of deeds.

SECTION 3. The said city may make, build, lay down and maintain aqueducts and pipes from any of said sources to, into, through and about said city, and secure and maintain the same by any works suitable therefor; may connect said Tyng's Pond and Long Pond with each other; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said city; 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 fountains and hydrants in such places 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, within and without the said city, 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 and lay down aqueducts, connect ponds and maintain dams, &c.

Hydrants and public fountains.

Works not to obstruct navigation in canals.

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

Powers under this act to be exercised by officers under direction of city council.

SECTION 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.

City may borrow money and issue notes at six per cent. to defray expenses.

SECTION 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, as the city council of Lowell shall from time to time deem expedient, bearing interest not exceeding the rate of six per cent. per annum; 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 the 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.

May assess for payment of principal and interest of debt.

Remedy for damages.

SECTION 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 forty-third chapter of the General Statutes for persons damaged by the laying out of highways.

SECTION 8. If any person shall use any of the said water, either within or without said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damages sustained.

Water not to be used without consent of city, under penalty.

SECTION 9. If any person wantonly or maliciously shall divert the water from, or 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.

Penalty for corrupting water or injuring pipes.

SECTION 10. This act shall take effect upon its passage.

*Approved June 4, 1869.*

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO WIDEN AND EXTEND ITS BRIDGE OVER CHARLES RIVER, AND FOR OTHER PURPOSES.

*Chap. 352*

*Be it enacted, &c., as follows:*

SECTION 1. The Fitchburg Railroad Company are hereby authorized to straighten the line of their pile structures over Charles River, between Charlestown and Boston, and to widen such structure on the easterly side thereof, by extending the same upon piles over that portion of said river situated between the westerly side of the pile structure of the Fitchburg Railroad as now built and the new line hereinafter described; said new line commencing at a point on the easterly side of the Boston and Maine Railroad Bridge, distant forty-seven feet southerly from the south-westerly corner of the Fitchburg Railroad repair-shop in Charlestown, and thence extending easterly, in a straight line, to the north-westerly corner of the present pile wharf of the Fitchburg Railroad Company; thence south-easterly, following and coinciding with the line of said wharf and of the bridge of said company, as now constructed, to the south-westerly corner of the old discontinued draw-pier; thence, southerly, parallel to the easterly side of said railroad bridge, to a point sixty feet distant, northerly, from the line of the north side of the passage-way to be left for vessels to pass through said bridge; thence, south-easterly, to a point on the line of the northerly side of said passage-way, which point shall be

May widen and extend bridge over Charles River.