

Chap. 184 AN ACT TO ENABLE THE COMMONWEALTH TO SECURE CERTAIN
AQUEDUCT RIGHTS IN THE TOWN OF NORTH ADAMS.

Be it enacted, etc., as follows:

Water supply
for the Troy and
Greenfield Rail-
road in North
Adams.

SECTION 1. For the purpose of obtaining a supply of water for the Troy and Greenfield Railroad in the town of North Adams, authority is hereby granted to the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, acting for the Commonwealth and with the approval of the governor and council, to enter upon the lands, public highways and streets hereinafter mentioned in said town, and to take possession of and appropriate to the use of the Commonwealth, all that certain line of aqueduct pipe already laid in and through said lands, highways and streets, and extending from the reservoir situate on lands of the Commonwealth near the western portal of Hoosac Tunnel to the Arnold Print Works in said town: that is to say, — the line of location of said aqueduct commences at the outlet of said reservoir, and thence runs in a north-westerly direction through lands of Charles A. Brown to the old highway from North Adams to Pittsfield; thence in a westerly direction in and through said highway to Ashland Street; thence in a northerly direction in and through Ashland Street to Summer Street; thence in a westerly direction in and through Summer Street to State Street; thence in a north-easterly direction in and through State Street to Main Street; thence in a north-westerly direction in and through Main Street to Marshall Street; thence in a north-easterly direction in and through Marshall Street to the Arnold Print Works. The Commonwealth and its assigns shall have full power and authority forever to maintain the said aqueduct in the position where it is located: *provided, however*, that the authority conferred by this act shall not be full and effectual until the consent of the selectmen of said town of North Adams to the location and construction of said aqueduct through the highways and streets aforesaid shall have been first obtained, and a certificate thereof filed with the town clerk of said town.

Proviso.

May dig up
highways, etc.

SECTION 2. Full power and authority is given to the said manager or other proper agents of the Commonwealth, at any and all times to enter upon and dig up the earth, the land of any private land owner, and in any of the highways and streets above mentioned for the purpose of repairing or reconstructing any portion of said aqueduct, provided in so doing no unnecessary interference or obstruction shall be occasioned to the public travel.

SECTION 3. Any person through whose lands said aqueduct and pipes are laid, and with whom the manager of the Troy and Greenfield Railroad and Hoosac Tunnel is not able to agree as to the damages which shall be paid to said land holder for injury caused by the taking and use of said lands for aqueduct purposes, may, upon application to the county commissioners of Berkshire County, within three years after the filing of the location of said aqueduct in the office of the town clerk of North Adams, as above prescribed, have his damages estimated in the manner provided with reference to the laying out of highways; and said county commissioners shall, if requested by said land holder, require said manager to give security to their satisfaction for the payment of all damages which may be awarded by them or by a jury for the land or other property taken; and said manager shall be re-imbursed for any damages and costs so paid by him, in so far as he is not otherwise re-imbursed, out of the unappropriated earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

Estimation of damages.

SECTION 4. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel may, with the approval of the governor and council, make any contract with or modify any existing contract with the Arnold Print Works, whereby there shall be prescribed the terms and conditions on which the Commonwealth and said Arnold Print Works may respectively and mutually use the said aqueduct and through the same take water from said reservoir, or in case of the suspension or discontinuance of the use of said aqueduct by either party what remuneration if any shall be made to that party for any disproportionate outlays or expenses.

Mutual use of water by the Commonwealth and the Arnold Print Works.

SECTION 5. This act shall take effect upon its passage.

Approved April 29, 1882.

AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS FOR ESSEX COUNTY TO RE-LOCATE AND RE-CONSTRUCT THE DRAW IN ROCKS BRIDGE OVER THE MERRIMACK RIVER.

Chap. 185

Be it enacted, etc., as follows :

SECTION 1. The county commissioners for the county of Essex are authorized and required, within two years after the passage of this act, to re-locate and re-construct of a width of not less than fifty feet, subject to the approval of the board of harbor and land commissioners, the draw in Rocks Bridge, which crosses the Merrimack River between the city of Haverhill and the town of West Newbury, including suitable pier approaches thereto; and the

Re-location and construction of draw in Rocks Bridge.