

PUBLIC LAWS

OF THE

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STATE OF RHODE ISLAND

AND

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PROVIDENCE PLANTATIONS,

PASSED AT THE SESSIONS OF THE

GENERAL ASSEMBLY,

FROM JANUARY, 1857, TO JANUARY, 1867, INCLUSIVE.



STATE OF RHODE ISLAND, &c.,  
OFFICE OF THE SECRETARY OF STATE, MAY, 1867.

PROVIDENCE:  
PROVIDENCE PRESS CO., PRINTERS TO THE STATE.  
1867.

## CHAPTER 640.

Passed Mar. 8, 1866. AN ACT FOR SUPPLYING THE CITY OF PROVIDENCE WITH PURE WATER.

*It is enacted by the General Assembly as follows :*

Rivers from which water may be taken.

SECTION 1. The city of Providence is authorized, in the manner hereinafter provided, to convey into and through said city, the waters of the Pawtuxet, Blackstone, Ten Mile, or Woonasquatucket rivers, for the purpose of furnishing a supply of pure water for said city; and the city council of said city shall determine from which source to bring said water, after the taxpayers thereof shall have decided to introduce the same into said city.

Purchases by city.

SEC. 2. The said city of Providence is hereby authorized to acquire by purchase, and to hold, the waters of said streams, or either of them, and any water rights connected therewith, and may also purchase, take and hold, any real estate necessary for laying aqueducts, and forming reservoirs, and for any of the purposes of this act; and may build one or more

Aqueducts.

permanent aqueducts from the said water sources, selected and determined upon as aforesaid, into and through said city, and secure and maintain the same by any proper works, and may connect said water sources with one another; may erect and maintain dams to raise and retain the waters therein; and make

Reservoirs.

and maintain reservoirs within and without the said city; and in general may do any other act necessary or convenient for the purpose of this act; and may

Distribution of water.

distribute the water throughout the city, regulate its use and the price to be paid therefor, within and without the city; and said city, for the purposes aforesaid, may carry any works by them to be constructed, over or under any highway, turnpike, railroad or street, in such manner as not to permanently obstruct or impede travel thereon; and may enter upon and dig up any highway, turnpike-road or street, for the purpose of laying down pipes or building aqueducts upon or beneath the surface thereof, or for the purpose of repairing the same.

Water commissioners.

SEC. 3. The city council of said city is hereby authorized to provide by ordinance for the appoint-

ment of three water commissioners, for the purpose of exercising such portion of the authority conferred and given by this act, as may be defined by ordinance of said city, as aforesaid, and also, to prescribe in like manner the duties of such commissioners; also, when and in what manner, and for what term and terms, said water commissioners shall be chosen by the city council of said city, in convention; provided, however, that the first board of commissioners, appointed as aforesaid, shall hold their offices for the term of three years, unless the works contemplated by this act are sooner completed; and said city council may, if they shall see fit, prescribe that said commissioners shall give bond and in what amount, for the faithful performance of their duties, and in what manner and for what causes, said commissioners, or either of them, may be removed from office, and also the amount of compensation of each of said commissioners.

Their duties.

Term of office.

SEC. 4. If any owner of lands, waters or water right, taken for the purposes of this act, shall not agree with said city upon the price to be paid therefor, he may at any time within, but not after one year, from the time of such taking, apply by petition to the supreme court holden within and for the county in which such lands, waters, or water rights shall have been taken at any regular term of such court; and upon such petition being filed, at least twenty days notice thereof shall be given to said city, by serving the said commissioners, or either of them, with a certified copy of such petition; and the court may, after such notice, proceed to the hearing of the petition, and may appoint three disinterested persons, being freeholders and residents of the state, appraisers, to determine after reasonable notice to the parties, what damages if any, the petitioner has sustained; and the award of such appraisers or the major portion of them, shall be returned by them to the court as soon as may be, and upon acceptance thereof by the court, unless a jury trial be applied for as hereinafter provided, judgment shall thereupon be rendered by said court for the party prevailing, with costs, and execution may issue accordingly; provided, that if either party shall be dissatisfied with such award, such party may, immediately upon the return thereof to the court, apply for a trial by jury, which shall determine

Disagreement of prices for land, &amp;c.

Appeal to supreme court.

Of damages.

Of awards.

all questions of fact relating to such damages and the amount thereof; and such trial shall thereupon be ordered by said court, and had as soon as conveniently may be, and judgment shall be entered upon the verdict of said jury, and costs shall be allowed to the party prevailing, and execution may be issued therefor; provided, that no petition or complaint shall be made as aforesaid, for the taking of any land, water, or water rights, until the same shall be actually taken or withdrawn by said city, by virtue of the provisions of this act.

Rights of  
waters.

SEC. 5. Said city shall have the exclusive right of the waters aforesaid, taken by said city for the purposes aforesaid, and may maintain an action against any person for using the same without the consent of said city; and may regulate the distribution and use of said water within and without the city; and from time to time to fix the price for the use thereof; and may establish such public hydrants in such public places as they may see fit, and prescribe for what purposes the same shall be used; all which they may change at their discretion.

Price for  
using.

Liabilities  
for using  
water.

SEC. 6. The owner and also the occupant of any tenement, shall be liable for the payment of the price or rent for the use of the water in such premises.

Of diverting  
waters.

SEC. 7. If any person shall maliciously or wantonly divert the water of any of the said streams, or water sources from which water shall be introduced into said city as aforesaid, or shall corrupt or render impure the same, or any connected therewith, or shall destroy or injure any drain, pipe, aqueduct, conduit or machinery, or other property used in or relating to the premises, such person or persons, and his or their aiders and abettors, shall each forfeit to said city, to be recovered in an action of trespass, or trespass on the case, treble the amount of damage which shall appear on trial to have been sustained thereby, and shall also be liable to indictment therefor; and upon conviction shall be fined not exceeding five thousand dollars, or imprisoned not exceeding three years.

Penalty.

SEC. 8. For the purpose of defraying all the expenses and cost of such lands, waters and water rights as shall be taken or purchased for the purposes of this act, and of constructing all works necessary to the accomplishment of said purposes, and all expenses incidental

thereto, the said city of Providence is hereby authorized and empowered to issue bonds, scrip, or certificates of debt, bearing not more than seven per cent. interest per annum, under the corporate name and seal of said city, signed by the treasurer thereof, or such other duly authorized person or persons as the council may direct, in such form as may be found expedient, not exceeding the sum of two million dollars; said bonds, scrip, or certificates, to be payable whenever the city council of said city shall provide, and said bonds, scrip, or certificates, shall be obligatory upon said city in the same manner and to the same extent, as other debts lawfully contracted by said city. And the money derived from the issue of such bonds, scrip or certificates, may be expended by said city, in whole or in part, for the purposes aforesaid, intended by this act, in such manner as the said city may, by ordinance, direct.

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[The following acts were passed at the session of the General Assembly, holden at Newport, in May, 1866, which adjourned on Friday, the 1st day of June, following:]

CHAPTER 641.

AN ACT IN AMENDMENT OF CHAPTER 72, TITLE XIV, OF THE REVISED STATUTES, "OF NUISANCES." Passed June 1, 1866.

*It is enacted by the General Assembly as follows :*

SECTION 1. In any town or city where the town council thereof has heretofore designated and established, or shall hereafter designate and establish, any place or places where the business of boiling bones, depositing filth, keeping swine, or slaughtering cattle or other animals shall be carried on, as provided in the third section of the act to which this is an amendment, it shall be unlawful for any person to carry on or be interested in carrying on or pursuing any such business, in any place not so designated and established; and any violation hereof shall be punished by a fine of fifty dollars for each day in which such violation shall be persisted in, recoverable by indictment.