

## CHAP. CCLXXII.

An Act to incorporate the Boston Hydraulic Company.

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

Persons incor-  
porated.

SEC. 1. William Sullivan, Daniel P. Parker, Caleb Eddy, their associates and successors, are hereby made a corporation, by the name of the Boston Hydraulic Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter of the Revised Statutes, passed on the fourth day of November, one thousand eight hundred and thirty-five.

Amount of stock.

SEC. 2. The capital stock of said company shall consist of one thousand shares, and no assessments shall be laid thereon of a greater amount, in the whole, than one thousand dollars on each share.

Powers and priv-  
ileges.

SEC. 3. The said corporation may purchase, take, and hold in fee simple, or for any less estate, any lands necessary for the objects of this act, and for the convenient management of the concerns of said company, not exceeding in value the sum of two hundred thousand dollars ; and may take any ponds, or lands covered with water, situate northwardly of Charles river, and within twelve miles of the city of Boston, for the purpose of conducting water therefrom, through the town of Charlestown, in the county of Middlesex, and into and through the city of

Boston ; and to this end, may take and hold any lands necessary for laying aqueducts, forming reservoirs, and any flats flowed by tide waters, which may be required to carry the objects of this act into effect ; and may erect such wharves, and other buildings, as such corporation may find expedient, and establish such steam engines, and other machinery, as may be necessary for the purposes aforesaid : And if the proprietors of lands, which said corporation may take, at or near ponds, or elsewhere, for the purpose of laying pipes or conductors of water, constructing reservoirs, wharves, or other buildings, or for the protection of the ponds whence water is to be taken or drawn by said company, do not agree with said company on the price to be paid therefor, any such proprietor may have the damages assessed in the same manner as is provided in the one hundred and sixteenth chapter of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, and the said corporation, in all cases, where it does not acquire title to any land by voluntary conveyance, shall cause a certificate, describing the land so taken, to be signed by the president of said company, and recorded in the registry of deeds of the county in which the land lies.

Remedy to proprietors of lands taken, &c.

SEC. 4. The said corporation may erect dams at the outlets of any ponds, which said corporation may take, pursuant to the provisions of this act ; and if any person shall thereby be deprived of water, which has been accustomed to flow through or over his land, or if any land of any person shall be flowed, by means of raising the water by such dams, the party so injured may recover reasonable damages therefor, in the manner provided by the preceding section.

Erection of dams.

Laying of pipes,  
&c.

SEC. 5. The said corporation is hereby authorized and empowered to lay its pipes or aqueducts, under or over any rail-road, canal, highway or street: *provided, always*, that the same be done in such manner, as not to obstruct or impede the passing thereon; and said corporation may lay its pipes and aqueducts under or near Warren bridge, now erected across Charles river, from the town of Charlestown to the city of Boston, through the whole length of said bridge and its abutments. *Provided, always*, that the same be so done as not to impede or obstruct the convenient passing on said bridge: *and provided, also*, that in laying said pipes and aqueducts, or in the use or repair thereof, from time to time, no damage or injury shall be done to said bridge: *and provided, further*, that the pipes or aqueducts be so laid in Charles river as not to obstruct or impede the free passage of any vessel thereon.

Laying of pipes,  
&c.

SEC. 6. The said corporation, in laying its pipes or aqueducts, through the highways and streets of the town of Charlestown, and in the city of Boston, and in repairing such pipes and aqueducts, from time to time, shall not unnecessarily obstruct such highways and streets; and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth to be replaced, and the pavement to be laid anew, so that such highway or street shall be in as good condition as the same were in before such removal.

Provisions re-  
specting the use  
of the water for  
fires.

SEC. 7. In the laying and construction of the pipes or aqueducts which may be laid in the town of Charlestown, and in the city of Boston, the same shall be so laid and constructed, that water can be drawn therefrom for the extinguishment of fires, and

to be used by the persons thereto authorized by the town of Charlestown, and by the city of Boston, respectively, and free access to the water in such pipes and aqueducts shall be had whenever the same shall be laid within the city of Boston, and within that part of the town of Charlestown lying within or eastwardly of the Neck, so called; and the said town and city shall have the right, at their own cost respectively, to place fire-plugs, and all proper and necessary fixtures therefor, upon any pipes or aqueducts of said corporation, and at as many different places in the several highways and streets, as the selectmen of the said town, and the mayor and aldermen of the said city, shall deem needful, for the purpose of drawing water for the extinguishment of any fires which may happen in said town or city: *provided*, that the said fire-plugs and fixtures shall not be used for the purpose of drawing water from said pipes for any other use than for the extinguishment of fires; and shall be so constructed as to prevent the water in the pipes from running to waste; and the said corporation shall not demand or receive any compensation for water taken for the extinguishment of fires as aforesaid.

SEC. 8. If any person shall wilfully and maliciously defile, corrupt, or make impure, any pond or ponds, used by said corporation as aforesaid, or destroy or injure any dam, pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet in such trespass, shall forfeit to the use of the said company, for every such offence, treble the amount of damages which shall appear on the trial to have been sustained thereby—and may further be punished by a fine not exceeding one thousand dollars, or may be imprisoned for a term not exceeding one year.

Penalty for injury to pipes, &c.

Sale of privilege  
of using the wa-  
ter.

SEC. 9. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted from the ponds as aforesaid, to any corporation, person or persons, said contracts to continue for no longer term than three years: *provided*, that no compensation shall be taken for the use thereof for the extinguishment of fires as aforesaid; and the said corporation may make all reasonable rules and regulations, as to the manner, and the times in which said water may be taken and used.

Appropriation of  
ponds, &c.

SEC. 10. Whenever the said corporation shall have appropriated any pond or ponds, or any lands, which it may deem necessary and proper for carrying the purposes of this act into effect, no other corporation, person or persons, shall enter upon such pond or ponds, or land, for the purpose of conducting the waters in such pond or ponds, or any streams connected therewith, into the city of Boston or town of Charlestown; nor draw the same out of said pond or ponds for any purpose whatsoever; but such waters shall be, and remain to, and for the use of said corporation, so long as said corporation shall supply the town of Charlestown and the city of Boston with water from said ponds, according to the true intent and meaning of this act.

Record of pro-  
ceedings, &c.

SEC. 11. The said corporation shall cause a true and faithful record of its proceedings, and just and accurate accounts, to be kept, which books and accounts shall be subject, at all times, to the inspection of any committee appointed by the general court, or by a committee appointed by the city council of Boston; and all officers and agents of said corporation, shall be liable to examination on oath by either of said committees.

SEC. 12. The city of Boston shall have the right to subscribe (in common with others) for one third part of the shares in said corporation, or any less proportion thereof; and the said city may, at any time, purchase of the said corporation their franchise, and all their personal and real property, by paying therefor such a sum, as together with their receipts, will reimburse the whole amount expended, with an annual interest of ten per cent., and from and after the execution and delivery of the conveyance and transfer aforesaid, the said city of Boston shall have all the rights, and be subject to all the duties in this act expressed, as to said corporation; and especially as to continuing the supply of water to the town of Charlestown.

Boston may subscribe a certain proportion, &c.

SEC. 13. If the said corporation shall not have begun to carry this act into effect, by actually laying pipes and aqueducts, within three years from the passing of this act; or if the whole of the works necessary to bring water into the city of Boston, shall not have been completed, and put to that use within six years after the passing of this act, then, and in either of said cases, this act shall be void.

Time of beginning and completion.

SEC. 14. This act shall be void, unless the city council of the city of Boston shall, within four months after the passage thereof, declare, by vote, their assent thereto; and, if such assent be obtained, this act, and an attested copy of the record of such assent, shall be recorded in the registry of deeds for the county of Suffolk.

Assent of Boston.

[Approved by the Governor, April 16, 1836.]