

liable to a penalty of not less than twenty nor more than fifty dollars for each offence.

SECTION 7. This act shall take effect on the first day of September next. *Approved May 21, 1884.*

To take effect
Sept. 1, 1884.

AN ACT RELATIVE TO THE LOCATION IN WHICH A SAVINGS BANK OR INSTITUTION FOR SAVINGS MAY TRANSACT ITS PRINCIPAL BUSINESS.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. A savings bank or institution for savings incorporated under the provisions of chapter one hundred and sixteen of the Public Statutes shall carry on its usual business at its banking house only, and no deposit shall be received, nor payment on account of deposits be made by such corporation or by any person on its account in any other place than at its banking house; and such banking house shall be kept in the city or town in which such corporation is established.

Savings banks
or institutions
for savings,
usual business
to be conducted
at banking
houses only.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1884.

AN ACT AUTHORIZING THE HAVERHILL AQUEDUCT COMPANY TO INCREASE ITS WATER SUPPLY.

Chap. 254

Be it enacted, etc., as follows:

SECTION 1. The Haverhill Aqueduct Company is hereby authorized to take and hold the waters of Crystal Lake, so called, in the city of Haverhill, together with any water rights connected therewith, for the purpose of increasing its means of supplying the inhabitants of said city with water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.

Haverhill Aque-
duct Company
may take
waters of
Crystal Lake.

SECTION 2. Said corporation may take, hold and convey through the city of Haverhill, or any part thereof, the water so taken, so far as may be necessary to supply the inhabitants thereof, and may take by purchase or otherwise and hold any real estate necessary for the preservation and purity of the said water, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through

May convey
water through
city of
Haverhill.

any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way in such manner as not unnecessarily to obstruct the same; and may, under the direction of the board of aldermen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes, or other works; and in general may do any other acts or things convenient and proper for carrying out the purposes of this act.

May dig up roads under direction of the aldermen.

To cause to be recorded in the registry of deeds a description of lands and water rights heretofore or hereafter taken.

SECTION 3. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds in the southern district of the county of Essex a description of any land and water rights so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken, and the title of the land and water rights so taken shall vest in said corporation. Said corporation shall also file and cause to be recorded in the registry aforesaid a description of all the lands and water rights heretofore taken or which shall be hereafter taken by it under authority granted in any former acts.

Assessment of damages.

SECTION 4. Any person or corporation injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the doing of the alleged injury.

Penalty for diverting or corrupting water.

SECTION 5. If any person shall use any of said water taken under this act, by drawing from any pipe without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery

or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 6. After the said corporation shall have actually taken, diverted and stored the waters of Crystal Lake to its fullest capacity by erecting a dam at its outlet, and after said corporation shall have drawn the water in said lake down to low water mark for the necessary use of the inhabitants of Haverhill, under the authority of this act, if more water is needed the provisions of section five of chapter seventy-three of the acts of the year eighteen hundred sixty-seven, relating to drawing the waters of Round Pond, Plug Pond and Kenoza Lake below low water mark, shall not apply to said corporation while such additional water is needed; and said corporation shall proceed, within one year, to take and store the waters of said Crystal Lake, and furnish the same for the use of the inhabitants of said Haverhill within two years from the passage of this act.

SECTION 7. The county commissioners for the county within which any lands, water or water rights taken under this act are situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said county commissioners shall, in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security required.

SECTION 8. The city of Haverhill may at any time hereafter purchase or otherwise take all the franchises, rights and property of said Haverhill Aqueduct Company at such price as may be agreed upon by the parties, and

After waters of Crystal Lake are taken, the provision of 1867, 73, § 5, relating to drawing water below low water mark, not to apply, while more water is needed.

Corporation may be required to give security for payment of damages.

City of Haverhill may at any time purchase or take franchises and property of corporation.

in case the said city and the said corporation cannot agree upon the price to be paid, the supreme judicial court may, upon application of either party and notice to the other, appoint three commissioners who shall determine the price to be paid to said corporation by said city, and whose award when accepted by the court shall be final.

Void unless certain requirements of section six are carried out.

SECTION 9. This act shall take effect upon its passage, but shall become void unless the requirements of section six in regard to taking and furnishing the waters of Crystal Lake are carried out.

Approved May 21, 1884.

Chap. 255

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS.

Be it enacted, etc., as follows:

Commissioners of prisons to prepare for use as the state prison, the buildings in Boston formerly occupied as said prison.

SECTION 1. The commissioners of prisons are hereby authorized and required to prepare for use as the state prison the buildings in the city of Boston formerly occupied as said prison, or such portions thereof as they may consider necessary, and to expend for that purpose such sum, not exceeding thirty-five thousand dollars, as they shall consider necessary: *provided*, that said commissioners shall not expend any part of said sum until they have obtained estimates from competent experts showing that the whole amount required to fully repair said buildings and fit the same for occupancy as a state prison will not exceed said sum of thirty-five thousand dollars. The warden of the state prison is hereby authorized to let to the commissioners of prisons, to be employed in preparing said buildings for occupancy, as many prisoners, held by him in said prison, as said commissioners shall desire, not exceeding thirty in number at any one time. Said prisoners shall be employed under the direction and in the custody of officers appointed by the warden, and shall be considered to be in the warden's custody while employed as aforesaid. The amount to be paid for the labor of prisoners so employed shall be determined by the warden and the commissioners of prisons. When the buildings are ready for occupancy the commissioners of prisons shall so notify the governor, and if said buildings are accepted by him he shall issue his proclamation, establishing the state prison in said buildings, and fixing the date at which it shall be established.

Prisoners may be employed in preparing buildings for occupancy.

Governor to issue proclamation establishing the state prison.

May issue proclamation establishing the Massachusetts reformatory in the

SECTION 2. At any time subsequent to the establishment of the state prison at Boston, as provided in the preceding section, the governor may issue his proclama-