

ized by chapter eighty-one of the resolves of the present year.

For the better enforcement of the law regulating the practice of pharmacy, a sum not exceeding five hundred dollars, as authorized by chapter eighty-two of the resolves of the present year. Practice of pharmacy.

For Simon E. Young, the sum of two hundred dollars, as authorized by chapter eighty-three of the resolves of the present year. Simon E. Young.

For Lemuel Burr, the sum of one hundred and fifty dollars, as authorized by chapter eighty-four of the resolves of the present year. Lemuel Burr.

For certain repairs and improvements at the state primary school at Monson, a sum not exceeding twenty-six hundred dollars, as authorized by chapter eighty-five of the resolves of the present year. State primary school at Monson.

For the payment of supervisors who served at the state election in the city of Boston in the year eighteen hundred and eighty-nine, a sum not exceeding three thousand dollars, as authorized by chapter eighty-six of the resolves of the present year. Supervisors of election.

To provide additional facilities and improvements at the state normal school at Bridgewater, a sum not exceeding fifteen thousand and thirty dollars, as authorized by chapter eighty-seven of the resolves of the present year. State normal school at Bridgewater.

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

Approved May 21, 1891.

AN ACT RELATING TO THE WATER SUPPLY OF THE CITY OF HAVERHILL.

Chap. 348

Be it enacted, etc., as follows:

SECTION 1. If the city of Haverhill shall hereafter purchase or take the franchises, rights and property of the Haverhill Aqueduct Company, under chapter seventy-three of the acts of the year eighteen hundred and sixty-seven and chapter two hundred and fifty-four of the acts of the year eighteen hundred and eighty-four, it shall thereupon have the sole, exclusive and perpetual right to hold the waters of Round pond, Plug pond, Kenoza lake and Crystal lake, great ponds within said city of Haverhill, as a source of water supply, with full power and authority to convey the water of said ponds through said city for the use of said city and the inhabitants thereof, for the extinguishment of fires and for domestic and other Water supply for Haverhill.

purposes, with full power and authority to take and hold by purchase or otherwise the waters of any other pond, lake, stream or spring within said city, and any lands, water rights, rights of way and easements necessary for laying, constructing and maintaining aqueducts, water-courses, reservoirs, storage basins, dams and such other works as may be deemed necessary for purifying the sources of its water supply and for collecting, purifying, raising, storing, retaining, discharging, conducting and distributing said waters; and with full power and authority to construct aqueducts and maintain dams, reservoirs, storage basins and other proper works; to erect buildings and machinery; to make and establish such public fountains and hydrants as may from time to time be deemed proper, and to change or discontinue the same; to regulate the use of water and to establish the rates to be paid therefor, and collect the same by process of law; and with full power and authority for the purposes aforesaid to carry any pipe, drain or aqueduct over or under any river, water-course, street, railroad, public way, highway or other way in such manner as not unnecessarily to obstruct the same; to enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct; and to do any other thing necessary or convenient in executing the purposes of this act.

May erect dams, fixtures, etc.

May dig up streets or ways.

A description of land, etc., taken to be recorded in registry of deeds.

SECTION 2. The city shall, within sixty days after taking any lands, water rights, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the water commissioners hereinafter provided for.

Payment of damages.

SECTION 3. The city shall pay all damages sustained by any person or corporation in property by the taking of any land, water, water right, easement or other property, or by any other thing done by the city under the authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on

application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages for the taking of any water or water rights, or for any injury thereto, shall be made until the water is actually withdrawn or diverted by the city under the authority of this act; and any person or corporation whose water rights may be thus taken or affected may make his application aforesaid at any time within three years from the time when the water shall be so withdrawn or diverted.

No application for damages to be made until water is diverted.

SECTION 4. The two preceding sections shall not apply to the purchase or taking of the franchise, rights and property of the Haverhill Aqueduct Company under chapter seventy-three of the acts of the year eighteen hundred and sixty-seven, chapter sixty-one of the acts of the year eighteen hundred and sixty-nine and chapter two hundred and fifty-four of the acts of the year eighteen hundred and eighty-four. Section three of chapter twenty-eight of the Public Statutes shall not apply to proceedings under this act.

Not applicable to purchase of franchise, etc., of Haverhill Aqueduct Company.

SECTION 5. The powers and duties granted to and imposed upon the city of Haverhill by this act, and the control and management of the franchise, rights and property of the Haverhill Aqueduct Company, in case the same are purchased or taken by the city under the acts aforesaid, shall be exercised by a board of water commissioners, consisting of five residents of the city to be appointed by the mayor with the approval of the city council. Said commissioners shall be appointed and hold their office for the terms of one, two, three, four and five years, respectively, from the first Monday of May next following their appointment; and thereafter one commissioner shall be appointed each year for the term of five years from the first Monday of May. All such commissioners, except in case of removal, shall hold office until their successors are appointed in their stead. Vacancies occurring during the term may be filled for the remainder of the term. No person shall be appointed commissioner who holds at the time any city office by popular election. Any commissioner, after due notice and hearing, may be removed at any time by a two thirds vote of each branch of the city council, for any cause which shall be deemed sufficient and shall be ex-

Water commissioners, appointment, powers and duties.

Terms of office.

Vacancies.

Compensation. pressed in the vote of removal. The commissioners shall receive no compensation for their services unless the city council by a two thirds vote of each branch thereof otherwise determine, and in such case the amount of compensation may be fixed by a like two thirds vote.

Haverhill Water Loan. SECTION 6. The city, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount sufficient for such purposes; and in case the city purchases or takes the franchise, rights and property of the Haverhill Aqueduct Company under the acts aforesaid, it may issue bonds and notes or scrip to the amount required to be paid to the company therefor, together with all expenses incidental to such purchase or taking and for any extension, improvement or addition to the works of said company, not exceeding two hundred and fifty thousand dollars beyond the amount to be paid to said company. Such bonds, notes or scrip shall bear on their face the words Haverhill Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum; shall be signed by the treasurer of the city of Haverhill and be countersigned by the water commissioners. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper, provided that such securities shall not be sold nor pledged for less than the par value thereof.

May sell securities or pledge the same for money borrowed.

Water rents to produce a surplus, etc. SECTION 7. The water commissioners shall fix such prices or rents for the use of water as shall produce annually, as near as may be, a net surplus equal to two per cent. of the total amount of the bonds, notes and scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after the payment of all expenses for new construction not exceeding ten thousand dollars in any one year. The

Sinking fund. commissioners of sinking funds of the city of Haverhill shall be trustees of a sinking fund which shall be set apart for the payment and redemption of said water loan, and which shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The net surplus aforesaid shall be paid into the sinking fund, and if said surplus does not equal two per cent. of the

Surplus to be paid into sinking fund.

total amount of the bonds, notes and scrip issued under this act, the city shall raise by general taxation a sum which with the surplus shall equal said two per cent. and shall contribute said sum to the sinking fund. The commissioners shall annually, and as often as the city council may require, render an account of all their doings in relation to the sinking fund, and shall be governed by the provisions of section eleven of chapter twenty-nine of the Public Statutes, except as herein otherwise provided.

Report of sinking fund commissioners.

SECTION 8. If any person shall use any water taken under this act, or under chapter seventy-three of the acts of the year eighteen hundred sixty-seven and chapter two hundred and fifty-four of the acts of the year eighteen hundred eighty-four, without the consent of said city, or shall wantonly or maliciously divert the water or any part thereof taken or held by said city pursuant to the provisions of this act or of said chapters, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority of and for the purposes of this act, or under the authority of said chapters, he shall forfeit and pay to said city three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid shall be also punished by fine not exceeding three hundred dollars or by imprisonment in the house of correction for not less than three nor more than twelve months.

Penalty for using without consent, willfully polluting or diverting water, etc.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, in case of non-payment by the occupant, for all sums due for the use of water under this act, to be collected in an action of contract in the name of the city of Haverhill.

Occupant of tenement liable for payment of water rent.

SECTION 10. This act shall not be construed to lessen, impair, enlarge or affect the franchises, rights or property heretofore lawfully granted to or acquired by the Haverhill Aqueduct Company, nor to lessen, impair or affect the right or power of the city of Haverhill to purchase or otherwise take the franchises, rights and property of the Haverhill Aqueduct Company under the provisions of any existing law whatever. And this act shall become void if the city of Haverhill shall not purchase or otherwise take the franchises, rights and property of the Haverhill Aqueduct Company under the provisions of

How act is to be construed.

To be void unless property, etc., of Haverhill Aqueduct Company is taken, etc.

chapter seventy-three of the acts of the year eighteen hundred and sixty-seven or chapter two hundred and fifty-four of the acts of the year eighteen hundred and eighty-four, and nothing herein contained shall be construed to authorize the city of Haverhill to construct or maintain an aqueduct or water works, or to supply said city or its inhabitants with water, or to purchase or take water, lands or easements for aqueduct purposes, unless it shall have first taken or purchased the franchises, rights and property of the Haverhill Aqueduct Company under the provisions of said chapters.

Subject to
acceptance by
city council.

SECTION 11. This act shall take effect upon its acceptance by the city council of the city of Haverhill.

Approved May 21, 1891.

Chap. 349 AN ACT RELATIVE TO THE BRIBERY OF CERTAIN PUBLIC OFFICERS.

Be it enacted, etc., as follows:

P. S. 205, § 9,
amended.

SECTION 1. Section nine of chapter two hundred and five of the Public Statutes is hereby amended by inserting after the word "legislative", in the second line, the words:— county, municipal,— and in the seventh line, by inserting after the words "official capacity", the words:— or as a consideration for any speech, work or service in connection therewith,— so as to read as follows:— *Section 9.* Whoever corruptly gives, offers, or promises to any executive, legislative, county, municipal, or judicial officer, after his election or appointment, either before or after he is qualified or has taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding, which may be then pending, or may by law come or be brought before him in his official capacity, or as a consideration for any speech, work or service in connection therewith, shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding three thousand dollars and imprisonment in the jail not exceeding one year.

Penalty for
bribing, etc.,
certain public
officers.

P. S. 205, § 10,
amended.

SECTION 2. Section ten of said chapter is hereby amended by inserting, in the first line, after the word "legislative", the words:— county, municipal,— and by inserting, in the second line, after the word "accepts", the words:— or requests,— and by inserting, in the seventh line, after the word "capacity", where it first occurs in said line, the words:— or as a consideration for