

by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper printed in the town of Randolph, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Holbrook, seven days at least before such time of meeting. Such justice, or, in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of the town of Randolph shall, before said meeting, prepare a list of voters in said town of Holbrook qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

List of voters to be furnished by selectmen of Randolph to presiding officer of meeting.

SECTION 8. This act shall take effect upon its passage.

*Approved February 29, 1872.*

**Chap. 62.**

AN ACT TO SUPPLY THE TOWN OF HOLYOKE WITH PURE WATER.

*Be it enacted, &c, as follows:*

Holyoke may supply itself with pure water, establish hydrants and collect rents for use of water.

SECTION 1. The town of Holyoke may supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water from Ashley's and Wright's ponds.

SECTION 2 Said town, for the purposes aforesaid, may take and hold the entire waters of Ashley's and Wright's ponds, so called, in said town, and the waters which flow into and from the same, and also the waters of such brooks as may be conveniently diverted and conducted into said ponds; and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said town, and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-course, canals or railroad, and along any street, highway, alley or other way other than a railway, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may draw off the water from any canal in the manner hereinafter provided, and may dig up, raise and embank any such lands, street, highway,

May take and hold land.

May construct conduits and drains.

May dig up and raise highways.

alley or other way, in such manner as to cause the least hindrance to travel thereon ; but all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Hampden : *provided*, that within ninety days after the time of taking any lands, ponds or water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Hampden, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter named : *also provided*, that no conduits, pipes or drains shall be placed over the canals or raceways, now built or hereafter to be built, without a clear spaceway of at least five feet for the passage of boats between such conduits, pipes or drains and the top or surface water-line of the canals when full, and no conduits, pipes or drains shall be laid so as to obstruct the free flow of water in such canals or raceways ; and *provided*, that no water shall be drawn from, or work done in, over or under the canals or raceways of the Holyoke Water Power Company, excepting under the joint approval and direction of the Holyoke Water Power Company and the town of Holyoke. In case said Holyoke Water Power Company and said town are unable to agree as to the time and manner of drawing the water from said canals, or of constructing the pipes in, over or under said canals and raceways, or of repairing the same, any justice of the supreme judicial court is hereby authorized, in vacation or term time, upon petition by either of said parties, and upon such notice to the other party as he may order, to appoint a suitable engineer to superintend the construction and repair of said pipes in, under or over said canals or raceways, and the engineer so appointed shall have power to do all things necessary for the proper construction and repair of the conduits, pipes and drains in, under or over said canals or raceways.

Proviso.

Proviso.

Water not to be drawn from, or work done in, over or under, the canals, etc., of Holyoke Water Power Co., except under joint approval of company and town of Holyoke.

SECTION 3. The town of Holyoke shall be liable to pay all damages sustained by any persons or corporation in their property by the taking of any lands, water, water-sources, or water-rights, or by the construction or repairing of any dams, aqueducts or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may be assessed by the county commissioners for the county of Hampden by making a written application therefor within one year after sustaining such damages ; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a

Liability for damages.

jury, and if the damages are increased by the jury the town shall pay all legal costs, but otherwise the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner, as provided in case of taking land for highways.

Holyoke water bonds not exceeding \$250,000 may be issued.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town may issue coupon bonds, signed by the treasurer, and countersigned by the chairman of selectmen of said town, to be denominated "Holyoke Water Bonds," to an amount not exceeding two hundred and fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi annually at a rate not exceeding six per centum per annum; and said town may sell said bonds 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, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than ten thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

May raise money by taxation to pay bonds and interest.

Water commissioners to consist of town treasurer and six persons to be elected by ballot.

SECTION 5. The treasurer of said town, *ex officio*, and six persons to be elected by ballot by the inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

To be elected for terms of one, two and three years.

SECTION 6. At any special or annual meeting of the inhabitants of said town, called for the purpose, one-third of said board of water commissioners shall be elected for a term ending one year, one-third for a term ending two years, and one-third for a term ending three years from the next succeeding annual town meeting, after which first election one-third of said board, as their term expires, shall be elected at the annual town meeting for the term of three years. The said commissioners shall receive such salaries or compensation as the said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Compensation to be fixed by vote of the town.

Commissioners to establish rates for use of water.

SECTION 7. Said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest of the "Holyoke Water

Bonds," and also after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

To set apart surplus income as a sinking fund, and be trustees thereof.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of the Holyoke water bonds, if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years, be insufficient to pay the accruing interest on the said bonds, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of sixty or more of the legal voters of the said town, praying that the said price may be increased so far as may be necessary for the purpose of paying, from the said surplus income and receipts the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town, in such manner as the said court shall order, may appoint three commissioners, who upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further, and the award of said commissioners or the major part of them, being returned to the said court at the next term thereof for the county of Hampden, and accepted by the said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the prices so fixed shall, after said term, be changed by the said water commissioners or by said town.

If the established rates are insufficient to meet the required payments for interest, etc., they may be increased by commissioners to be appointed by the S. J. C.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and also the owner thereof shall be liable, if on being notified of such use he does not object thereto.

Occupant of tenement to pay for water, also the owner, if upon notice he does not object to its use.

SECTION 10. Any person who shall use any of said water without the consent of said town, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure,

Penalty for using water without consent, or for maliciously diverting or corrupting the same.



or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered by an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Holyoke Water Power Company may within two years after introduction of water by town, take up pipes laid by them within said town. Proviso.

SECTION 11. The Holyoke Water Power Company may, at any time within two years after the introduction of water for use by the town, as aforesaid, take up or remove any water-pipes, or connections therewith, now owned or laid by them in or upon any highway, street or alley in said town: *provided*, that before commencing the removal of said pipes the said Holyoke Water Power Company shall give a bond in the sum of ten thousand dollars to said town, conditioned to replace said streets in as good condition as they were before said removal, and to save said town harmless from all damages to travellers on said highways and alleys, by reason of any defect therein, caused by digging up said ways as aforesaid.

Subject to acceptance by majority vote of the town at meeting to be held within one year.

SECTION 12. This act shall be void unless accepted by a majority of the legal voters of the town of Holyoke, present and voting thereon, at a legal meeting held for the purpose within one year from the time this act goes into effect.

SECTION 13. This act shall take effect upon its passage.

*Approved March 7, 1872.*

**Chap. 63.** AN ACT TO AUTHORIZE THE LAWRENCE GAS COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, &c., as follows:*

§200 000 additional capital stock.

SECTION 1. The Lawrence Gas Company is hereby authorized to increase its capital stock, by an amount not exceeding two hundred thousand dollars, in addition to the amount heretofore authorized by law, at such times, and in such sums as the stockholders may determine, to be divided into shares of one hundred dollars each, and subject to the provisions contained in section one of chapter one hundred and seventy-nine, of the acts of the year eighteen hundred and seventy.

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

*Approved March 7, 1872.*

**Chap. 64.** AN ACT TO INCORPORATE THE NORTH AVENUE SAVINGS BANK, OF CAMBRIDGE.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Samuel F. Woodbridge, William Fox Richardson, Cornelius Dorr and Jonas C. Wellington, their asso-