

Chap. 79.

AN ACT TO SUPPLY THE CITY OF LAWRENCE WITH WATER.

Be it enacted, &c., as follows :

Lawrence may supply itself with water from Merrimack River.

SECTION 1. The city of Lawrence is hereby authorized to take, hold and convey into and through said city from the Merrimack River, at any point thereof within said city or within the town of Methuen that may be deemed expedient, sufficient water for the use of said city and the inhabitants thereof, for the extinguishment of fires, creating steam, domestic and other purposes; and may also take and hold, by purchase or otherwise, land in said Methuen or Lawrence for sinking wells or making excavations in order to obtain water by filtration or percolation, or from subterranean streams, and for the construction of such works as may be necessary therefor; as also for laying and maintaining aqueducts or pipes, constructing and maintaining reservoirs or canals, and such other works as may be deemed necessary or proper for conveying, raising, forcing, retaining, distributing or disposing of said water.

To file description of lands in registry of deeds.

SECTION 2. The city of Lawrence shall, within sixty days from the time they shall take any lands for the purpose of this act, file in the office of the registry of deeds for the northern district of Essex, a description of the lands so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by the mayor of said city.

May make aqueducts and maintain reservoirs and hydrants.

SECTION 3. Said city may make, build, lay down and maintain aqueducts and pipes from the Merrimack River, through Methuen, and into, through and about said city, and secure and maintain the same by any works suitable therefor; may construct and maintain reservoirs within or without said city; may provide and maintain suitable machinery, and may make, erect, and maintain and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city; may make and establish such public hydrants in such places within said city as may from time to time be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice, and not objecting thereto; may regulate the use of said water within the city, and establish, receive and collect the rents to be paid therefor; and the said city may, for the purposes aforesaid, carry, conduct and maintain any

aqueducts, pipes or other works by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and, in general, may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

SECTION 4. Nothing in this act shall authorize the construction of any work which, when completed, shall obstruct the flow of the water of said river (not taken as herein authorized) to or from any water-mill now existing in said Lawrence or Methuen. And in the event that under the authority of this act, water shall be taken from said river at any place above the dam of the Essex Company, nothing herein shall authorize the use of water so taken, as or for power for propelling or operating machinery, otherwise than as steam.

Works not to obstruct flow of water in Merrimack River.

SECTION 5. All pipes, aqueducts and other works constructed or erected by said city, by virtue of this act, in, under or over any of the canals of the Essex Company shall be so constructed, erected and laid, as when completed not to obstruct the navigation in said canals, or either of them, or to interrupt or impede the flow of the water in the same.

Navigation in canals not to be obstructed.

SECTION 6. Three commissioners shall be appointed by the city council, by joint ballot of both branches, who shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and in all other acts that may be passed relative to the same subject, which are not otherwise specifically provided for; and who shall be subject to such ordinances, rules and regulations in the execution of said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of law; and who shall, once in six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Commissioners to be appointed to take charge of works.

They shall respectively hold office for the term of three years next after their appointment, unless the works aforesaid are sooner completed, but they or either of them, after having had an opportunity to be heard in defence, may be removed at any time by a concurrent vote of two-thirds of

Term of office.

Vacancies in board.

each branch of the city council; and in case of a vacancy in the board of commissioners by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers and under all the restrictions aforesaid. A majority of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office.

Salaries to be fixed before election.

SECTION 7. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance respectively in said office.

When office ceases, rights to be exercised by city of Lawrence.

SECTION 8. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authorities given to the city of Lawrence by this act, shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner, and by such officers, agents and servants as the city council shall from time to time ordain, appoint and direct.

City of Lawrence water loan.

SECTION 9. For the purpose of defraying the expenses which may be incurred by the city of Lawrence in carrying into effect the powers granted by this act, the city council shall have authority to issue from time to time notes, scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Lawrence Water Loan," to an amount not exceeding eight hundred thousand dollars; the same to bear interest not exceeding the rate of six per cent. per annum, and the principal to be payable at periods not more than thirty years from the issuing of said notes, scrip, bonds or certificates of debt respectively; and the city council may sell the same or any part thereof, from time to time, at public auction or private sale, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as the city council shall judge proper. And the city council of said city is hereby authorized from time to time to appropriate, grant and assess such sum or sums of money as shall be deemed expedient towards paying said expenses, or the principal of the money so borrowed or obtained, and the interest thereof in the same manner as money is appropriated, granted and assessed for other city purposes.

\$800,000 at six per cent. interest.

Liability for damages.

SECTION 10. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of any lands or water, water rights, franchises or property, or by the sinking of wells or making of excavations, the con-

structing of aqueducts, reservoirs or water works, or the laying of pipes, or by repairing the same, or in any other way sustained in carrying into effect the provisions of this act. If any person or corporation sustaining damage as aforesaid cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object thereto.

Occupant of tenement liable for use of water.

SECTION 12. If any person shall use any of the said water either within or without said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damages sustained; and if any person wantonly or maliciously shall divert the water or any part thereof from, or shall corrupt or render impure the water in, or shall destroy or injure any aqueduct, canal, well, reservoir, pipe, conduit, hydrant, machine or other works or property held, owned or used by the said city of Lawrence by the authority and for the purposes of this act, every such person shall forfeit and pay to the said city three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action; and any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both.

Penalty for unlawfully using or maliciously diverting water or rendering the same impure.

SECTION 13. This act shall be void unless submitted to and approved by a majority of the voters of the city of Lawrence, present and voting at meetings held simultaneously for the purpose in the several wards, within one year from the passage of this act, upon notice duly given at least seven days before the time of holding said meetings.

Subject to acceptance by vote of the city.

SECTION 14. This act shall take effect upon its passage.

Approved March 8, 1872.

AN ACT TO FIX THE SALARY OF THE COUNTY TREASURER OF BERKSHIRE COUNTY.

Chap. 80.

Be it enacted, &c., as follows:

SECTION 1. The county treasurer of Berkshire county shall receive an annual salary of fifteen hundred dollars, payable quarterly from the first day of January of the present year.

Salary established.

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

Approved March 8, 1872.