

either of them, with water, upon such terms and conditions as may be agreed upon by and between the water commissioners of said city and the selectmen of said town; and for that purpose may take and hold real estate necessary therefor, and extend its pipes, and with such consent, dig up and open any street or way in said town for placing and maintaining such pipes and aqueducts as may be necessary for the purposes set forth in this section.

Vacancy in board of commissioners to be filled by city council.

SECTION 5. In case a vacancy at any time exists in the board of water commissioners of said city of Springfield, by reason of death, resignation or otherwise, a citizen of Springfield shall be elected by a joint vote of the city council of said city to fill such vacancy.

Powers granted in 1872, 345, § 6, to be exercised by city council.

SECTION 6. The rights, power and authority granted in section six of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, shall be exercised by the city council of the city of Springfield, and not by the board of water commissioners; and all moneys expended and liabilities incurred under authority of said chapter and of this act, shall be paid from the city treasury upon proper vouchers, approved by said board of water commissioners. The income and receipts from rents for the use of water, shall be paid by the water commissioners, from time to time, and as often as once in six months, into the city treasury, and the surplus thereof, after paying all necessary expenses of maintaining the aqueduct and conducting the business, shall be used for the same purposes as provided in section seven of said chapter. The sinking fund created by said section shall be held by three trustees, to be chosen by the city council at such times and for such terms as said city council may determine, and said trustees shall annually, and as often as said city council shall require, render an account of all their doings in relation to said fund.

Income, &c., from rents to be paid into city treasury.

Sinking fund to be held by trustees.

Repeal.

SECTION 7. All acts and parts of acts inconsistent herewith, are repealed.

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

*Approved March 14, 1873.*

### Chap. 76.

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

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

Natick may be supplied with pure water from Dug Pond.

SECTION 1. The town of Natick may take, hold and convey into and through said town, from Dug Pond, at any convenient point upon the same, within said town, sufficient water for the use of said town and inhabitants,

for the extinguishment of fires, and for domestic purposes ; and may also take and hold by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

SECTION 2. The town of Natick, within sixty days from the time it takes any lands for the purposes specified in this act, shall file in the registry of deeds of the county and district in which such lands lie, 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 a majority of the selectmen of said town.

To file in registry of deeds description of land taken.

SECTION 3. The said town may make, build and lay down aqueducts and pipes from said pond to, into, through and about said town, and secure and maintain the same by any works suitable therefor ; may erect and maintain dams to raise and retain the water taken ; may construct and maintain reservoirs within or without said town ; and may make, erect, maintain, and carry on such other works as may be necessary or proper for raising the water into such reservoirs, and for forcing and distributing it through and about said town ; may make and establish such public hydrants and fountains in such places in said town 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 said town, and for this purpose may lay down pipes to any house or building in said town, the owner or owners thereof having notice and not objecting thereto ; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor ; and said town may, for the purposes aforesaid, conduct and maintain any aqueducts, pipes or other works, over, under, through or across any water-course, 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.

May build aqueducts, erect dams and reservoirs and regulate use of water.

Right to be exercised by water commissioners.

SECTION 4. The rights and powers given to said town by this act, shall be exercised by it subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers and agents as said town shall from time to time choose, appoint and direct. Such commissioners, officers or agents shall be subject to such ordinances, rules and regulations in the execution of their trust as said town may from time to time ordain and establish, provided, the same are not inconsistent with the provisions of this act and the laws of the Commonwealth.

"Natick Water Scrip" may be issued not exceeding \$200,000 at seven per cent. interest.

SECTION 5. For the purpose of defraying the expenses which may be incurred under the provisions of this act, the town of Natick, through its treasurer, may, from time to time, issue notes, scrip or certificates of debt, to be denominated on the face thereof Natick Water Scrip, to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, scrip or certificates respectively. Said treasurer, under the authority of said town, may sell such notes, scrip or certificates, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions, as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations and assess, from time to time, amounts, not exceeding in one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as above, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

Liability for damages.

SECTION 6. Said town of Natick shall pay all damages to which any persons or corporations are entitled, by reason of the taking of any lands, water, 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 have them assessed by the county commissioners for the county of Middlesex 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 jury; and if the damages are in-

Parties dissatisfied may have trial by jury.

creased 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.

SECTION 7. Said town may also, for the purpose of collecting water and supplying the same to said pond, make and maintain, upon or near said pond, or the streams flowing into the same, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water-rights or easements as may be necessary or convenient for that purpose.

May make reservoirs for collecting water.

SECTION 8. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said town, pursuant to the provisions of this act, 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 town under the authority of and for the purposes of this act, he shall forfeit and pay to said town 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, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in the house of correction not exceeding one year.

Penalty for unlawfully using water, wantonly diverting the same or rendering it impure.

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, if, on being notified of such use, he does not object thereto.

Occupant and owner of tenement liable for water rent.

SECTION 10. The water taken under this act shall not be used in any way as a motive-power, except for generating steam.

Water may be used to generate steam.

SECTION 11. Nothing in this act shall be construed to affect any existing right of said town to draw water from said pond.

Existing rights not affected.

SECTION 12. This act shall take effect upon its passage, and shall become void unless accepted by a majority of the legal voters of said town, present and voting thereon, at a legal meeting held within two years from the passage of this act.

Subject to acceptance by voters of the town.

*Approved March 15, 1873.*