

and empowered to purchase, receive and hold by gift, grant, devise or otherwise, any real or personal estate to an amount not exceeding five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage

*Approved April 24, 1872.*

AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY OF LYNN.

*Chap. 256*

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

SECTION 1. The city of Lynn, for the purpose of supplying the inhabitants thereof with pure water, may take, hold and convey through said city, the waters of Flax Pond, in said city of Lynn, and the waters which flow into and from the same, and any water rights connected therewith; and may take and hold by purchase or otherwise, such land on and around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through the city.

Lynn may take water from Flax Pond.

SECTION 2. The mayor of said city of Lynn shall, within sixty days after taking any of the land aforesaid, file in the registry of deeds for the county of Essex, southern district, a description thereof sufficiently accurate for identification.

Description of land to be filed in registry of deeds.

SECTION 3. Said city, for the purposes aforesaid, may build aqueducts from said Flax Pond, and maintain the same by any works suitable therefor; may provide and maintain suitable machinery for raising the water above the source of supply, may erect such structures as are necessary for preserving the works; may make and maintain suitable dams and reservoirs, and establish such public fountains and hydrants as are at any time deemed proper, and may change or discontinue the same; may distribute the water throughout the city, regulate its use, and establish the rates to be paid therefor. Said city may also for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad or highway, in such manner as not to obstruct the same; and may do any other acts and things necessary and proper in executing the purposes of this act.

Aqueducts may be built and fountains and hydrants established.

SECTION 4. Said city shall be liable to pay all damages sustained by any persons or corporation by taking any land, water, water rights or property, or by the constructing of any aqueduct, reservoir, or other works for the purposes

Liability for damages.

aforesaid ; and if any person or corporation sustaining damages as aforesaid, cannot agree with the city upon the amount of such damages, he or it may have them assessed in the same manner as is provided by law with respect to land taken for highways.

Saugus and Swampscott may be supplied with water upon terms to be agreed upon.

SECTION 5. Said city of Lynn may with the written consent of the selectmen of the towns of Saugus or Swampscott supply the said towns of Saugus and Swampscott or either of them with water, upon such terms and conditions as shall be agreed upon by and between the city council of said city and the selectmen of said towns, and for that purpose extend its pipes into said towns or either of them, and with such consent dig up and open any street or way in said towns or either of them, for the placing of such pipes and aqueducts as may be necessary for such purpose and of repairing the same ; and may do such other acts and things as may be necessary for the purposes of this section.

Rights and powers may be delegated to agents.

SECTION 6. The rights, powers and privileges hereby granted, may be exercised by such officers, agents and servants as such city may select or employ, who shall be subject to such ordinances, rules and regulations as the city council may establish, and the mayor shall be eligible to such office.

Penalty for diverting water or rendering it impure.

SECTION 7. If any person shall use any of the said water without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, springs, streams or sources of water taken or held by said city, 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 city, under the authority and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Act void unless waters are taken within one year.

SECTION 8. This act shall take effect from and after its acceptance by the city council of said city of Lynn ; and shall become void unless said city shall enter upon and take the waters of said pond as above provided, within one year from the passage of this act.

*Approved April 24, 1872.*