

thereon, at a legal meeting held within two years from the time of the passage of this act. *Approved May 6, 1872.*

Chap. 345

AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH WATER.

Be it enacted, &c., as follows:

Springfield to be supplied with water from Connecticut or Chicopee Rivers.

SECTION 1. The city of Springfield may take, hold and convey into and through said city from the Connecticut River, at any convenient point within the limits of said city, or from the Chicopee River, at any convenient point within the limits of said city or the town of Wilbraham, sufficient water for the use of said city and inhabitants, for the extinguishment of fires, domestic and other 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, dams and such other works as may be necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

To file in registry of deeds, description of land taken.

SECTION 2. The city of Springfield shall, within sixty days from the time they shall take any lands for the purposes of this act, 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 water commissioners hereinafter named.

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

SECTION 3. The said city may make, build and lay down aqueducts and pipes from said sources to, into, through and about said city, 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 city; 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 and fountains in such places in said city as may, from time to time, be deemed proper, and may prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout said 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, and establish, receive and collect the prices or rents to be paid therefor; and said city may, for the pur-

poses aforesaid, carry and 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. Said city of Springfield 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 city upon the amount of such damages, they may have them 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 jury; and if the damages are increased by the jury, the city 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.

Liability for damages.

Parties dissatisfied may have a trial by jury.

SECTION 5. The rights, powers and authority granted to the city of Springfield by this act, shall be vested in and exercised by a board of water commissioners, consisting of five citizens of said city, who shall be elected by the legal voters of said city at an election which shall be legally ordered and held at the same time and date that the said city shall vote upon the acceptance of this act. The said commissioners shall serve until the first day of January of the year eighteen hundred and seventy-five. Thereafter the rights, powers and authority granted to the said city by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said city, who shall be chosen by the city council of said city, one for the term of one year from the first day of January in the year eighteen hundred and seventy-five, one for the term of two years, one for the term of three years, and annually thereafter one water commissioner shall be so chosen to serve for the term of three years.

Rights to be exercised by water commissioners.

Compensation
of commission-
ers.

Said commissioners shall receive such compensation as the city council of said city may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

"Springfield
Water Bonds,"
may be issued,
not exceeding
\$1,000,000 at
seven per cent.
interest.

SECTION 6. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said city shall issue coupon bonds, signed by the treasurer of said city, to be denominated "Springfield Water Bonds," to an amount not exceeding one million dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said city 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 city shall not raise more than twenty-five thousand dollars in any one year towards payment of the principal of said bonds, except the year in which the same may become due.

Rents for use of
water to be
fixed by com-
missioners.

SECTION 7. The 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 on said water bonds, and also after three years from the introduction of the water into said city, 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 payed and discharged. The said water commissioners shall be trustees of said fund, and shall annually, and as often as the city council may require, render an account of all their doings in relation thereto.

If water is
taken from
Chicopee River,
some reliable
method for
measuring wa-
ter must be pro-
vided.

SECTION 8. If the said city shall elect to take water from the Chicopee River, it shall be the duty of the water commissioners to provide some reliable means or method of measuring and registering the amount of water taken, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river, and said city, shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court.

SECTION 9. If any person shall use any water taken under this act 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 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, 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, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

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

SECTION 10. 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 of tenement liable for water rent.

SECTION 11. The said city of Springfield shall take, hold and use, the franchise and all of the reservoirs, dams, pipes, hydrants and other property now owned and held by the Springfield Aqueduct Company, upon the payment by the said city to the said Springfield Aqueduct Company of such a sum as shall be mutually agreed upon by and between them; and in case they shall not so agree upon the sum to be paid, the same proceedings may be had as is provided in the fourth section of this act, for the payment of damages to any persons or corporations injured by the taking of their lands, water or water rights.

City may take franchise held by Springfield Aqueduct Co.

SECTION 12. 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 13. Nothing in this act shall be construed to affect any existing right of said city of Springfield to draw water from said rivers.

Existing rights not affected.

SECTION 14. This act shall take effect upon its passage, and shall become void unless accepted by a majority of the legal voters of the city of Springfield, present and voting thereon, at a legal meeting which shall be called in their several ward-rooms for that purpose, by the mayor and aldermen of said city, within sixty days from the passage of this act, at which meeting the check-list shall be used.

Subject to acceptance by vote of the city.

Approved May 6, 1872.