

of interest, not exceeding six per centum per annum, as they shall deem expedient.

SECTION 6. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 132

AN ACT TO INCORPORATE THE LYNN AQUEDUCT COMPANY.

Be it enacted, &c., as follows :

Corporators.	SECTION 1. Edward H. Ashcroft, John P. Woodbury, William Howland, their associates and successors, are hereby made a corporation, under the name of the Lynn Aqueduct Company, for the purpose of furnishing the inhabitants of the city of Lynn with fresh water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as the same are applicable to this corporation.
Title.	
Purpose.	
Powers.	
Capital stock.	SECTION 2. The capital stock of said company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each.
Shares.	
May pay in shares for land and water rights.	SECTION 3. The said company may purchase land and water rights, necessary for the purpose aforesaid, and pay therefor, wholly or in part, in the shares of said company, at their par value.
May secure ponds and land.	SECTION 4. The said company may take and hold, by purchase or otherwise, the ponds in Lynn known as Cedar Pond and Sluice Pond, and so much land adjoining said ponds as may be necessary for erecting, laying and maintaining, and may erect, lay and maintain such aqueducts, pipes, dams, gates, pumps, reservoirs, embankments, water-ways, drains or other structures, as may be necessary or convenient to insure the purity of said ponds, and the streams running into them; also a sufficient quantity of land for a suitable reservoir in that part of Lynn known as Rock's Pasture, with a right to build and maintain a reservoir thereon, and to lay underground pipes thereto. The said company shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Essex, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.
Description of land to be filed, and purpose stated.	
May take water from ponds, and with leave lay pipes in Lynn.	SECTION 5. The said company may take the water from either or both of said ponds by gravitation, or raise and pump the water therefrom to a reservoir, in Rock's Pasture aforesaid, and may with the written consent of the mayor and aldermen of said city of Lynn, dig up and open any street or way in said city, for the purpose of placing such pipes as may be necessary in constructing its aqueduct, and

for repairing and extending the same: *provided*, the same shall be done in such manner as not to prevent the convenient passing of teams and carriages. Proviso.

SECTION 6. If any person shall suffer damage by the taking of land, water, or otherwise, or by any diversion of the water aforesaid, and shall not agree with said company on the indemnification to be paid therefor, such person may, within one year, file a petition for indemnity in the supreme judicial court within the county of Essex, before or during any term thereof; and after fourteen days' notice, which shall be given to said company by leaving an attested copy with the clerk of said company, the court may proceed to the hearing of the petitioner, and may appoint three disinterested commissioners to determine the damages which the said petitioner may have sustained by reason of the taking of land, water, or otherwise, or by the diversion of said water; and the said commissioners shall forthwith give notice to both parties to appear, if they see fit, for a hearing before them; and they shall first inquire whether any damage has been sustained by said petitioner, by the cause aforesaid, and if any, they shall estimate the same; and the award of said commissioners, or of the major part of them shall be returned as soon as may be into the said court, and upon the acceptance thereof judgment shall be rendered for the party prevailing, with costs: *provided*, that if either party shall be dissatisfied with such award, such party may apply to the supreme judicial court, at any term thereof holden within the county of Essex next after the return of said award, for a trial by jury, and the same shall thereupon be tried at the bar of said court; and if the party so applying shall not obtain, in case it shall be the original petitioner or complainant, an increase of damages, or in case it shall be the original defendant, a decrease of damages, awarded by the said commissioners, such party shall pay reasonable costs of such trial, but otherwise may recover costs; and upon any judgment rendered upon any such verdict, the court may issue execution accordingly.

Disagree'm't with company may be referred to S. J. court in Essex.

Notice to be served upon company.

Court may appoint commission to determine damages.

Commissioners to notify.

Duties.

Award.
Judgment of court.

Proviso: party dissatisfied may have jury.

Costs of trial.

Execution of judgment.

SECTION 7. The city of Lynn may, at any time during the continuance of the charter hereby granted, purchase the corporate property, and all the rights and privileges of said company, at such price as may be agreed upon between said parties; and in case the city council of said city shall by vote determine to purchase said property, rights and privileges, and the parties cannot agree upon the price to be paid therefor, the supreme judicial court may upon application by either party and notice to the other, appoint three com-

City of Lynn may purchase franchise and property.

Disagreement, how adjusted.

missioners who shall determine the price which the said city shall be required to pay for the same, and whose award when accepted by said court shall be final.

City may insert hydrants in pipes of company, and use water.

SECTION 8. The city of Lynn shall be allowed the privilege of inserting twenty hydrants into the main pipes of said company, at such points as the mayor and aldermen shall indicate, with the right of using the water therefrom for the purpose of extinguishing fires: *provided*, that the same shall be so secured that water shall not be drawn therefrom, except for the purpose aforesaid.

Proviso.

Penalty for diverting or corrupting water or injuring works.

SECTION 9. Any person who shall maliciously divert the water or any part of the water of the sources which shall be taken by the said company, pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct-pipe or hydrant, or other property, held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damages to the said company, to be recovered in an action of tort; and every such person on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

SECTION 10. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 133 AN ACT AUTHORIZING THE SOUTH WILBRAHAM MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May increase \$100,000.

SECTION 1. The South Wilbraham Manufacturing Company, a corporation established at South Wilbraham, is hereby authorized to increase its capital stock one hundred thousand dollars, the same to be divided into shares of one hundred dollars each; and to hold real estate necessary and convenient for the purposes of its business not exceeding in amount the sum of one hundred thousand dollars.

Shares.

May hold estate.

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

Approved April 4, 1865.

Chap. 134 AN ACT TO DEFINE THE TERM OF OFFICE OF MEMBERS OF SCHOOL COMMITTEES IN CITIES.

Be it enacted, &c., as follows :

Terms to be same as city council, unless now otherwise.

The term of office of members of the school committee in cities where no different provision has been heretofore specifically made, shall commence at the same time, from year to year, as is now provided in regard to members of the sev-