

present and voting thereon at a district meeting called in accordance with the provisions of section eight, within two years after the passage of this act; but the said sections shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of said sections as aforesaid.

Time of taking
effect of sec-
tion thirteen.

SECTION 15. Section thirteen of this act shall take effect upon its acceptance by a majority of the voters of that part of the district described therein, present and voting thereon at a district meeting called in accordance with the provisions of section eight within two years after the acceptance of said sections one to twelve as provided in section fourteen of this act.

Approved March 27, 1912.

Chap.327 AN ACT TO AUTHORIZE THE TAKING OF FLOUNDERS BY MEANS OF DREDGES AND TRAWLS IN THE WATERS OF THE TOWN OF EDGARTOWN.

Be it enacted, etc., as follows:

Taking of
flounders in
the waters of
Edgartown.

SECTION 1. It shall be lawful to take flounders in the waters of the town of Edgartown by means of dredges, beam trawls or otter trawls.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twentieth day of March, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.328 AN ACT TO AUTHORIZE THE TOWN OF ASHBURNHAM TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Water supply
for the town
of Ashburn-
ham.

SECTION 1. The town of Ashburnham may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May acquire
and hold cer-
tain waters.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with

any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, purifying and preserving the water, and for conveying the same to any part of said town: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said town may construct on the lands acquired under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Ashburnham, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners. Proviso.

SECTION 3. Said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the northern district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all lands acquired under the provisions of this act shall vest in the town of Taking of
lands, etc.,
to be recorded.

Ashburnham, and the land so acquired shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act. Said town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by the taking shall be based upon the said amount or quantity until the same shall be increased by vote or otherwise, and in that event the town shall be liable further only for the additional damages caused by such additional taking.

Town of
Ashburnham
Water Loan,
Act of 1912.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time, bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Ashburnham Water Loan, Act of 1912; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than one year after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
loan.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Penalty for
pollution, etc.,
of water.

SECTION 8. Said town shall, after the passage of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specifically provided for shall be vested in the water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in the board from any cause may be filled for the remainder of the unexpired term by the town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the select-

Water com-
missioners,
election, term,
etc.

men, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein.

Water rates,
etc.

SECTION 9. The commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the manner and time of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. The commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

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

Approved March 28, 1912.

Chap. 329 AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE AUDITING OF MUNICIPAL ACCOUNTS AND THE TAKING OF A SUMMER CENSUS BY THE BUREAU OF STATISTICS.

Be it enacted, etc., as follows:

Appropriations,
auditing
municipal
accounts.

SECTION 1. A sum not exceeding ten thousand dollars is hereby appropriated to pay the expenses of auditing municipal accounts, the same to be met by assessments upon the municipalities for which the work is done.

Special census
in certain
towns.

A sum not exceeding one thousand dollars is hereby appropriated to pay the cost of taking a special census in towns having an increased resident population during the summer months, the same to be met by assessments upon the towns for which the work is done.

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

Approved March 28, 1912.