

AN ACT TO PROVIDE THE CITY OF TAUNTON WITH PURE WATER.

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. The city of Taunton is authorized to take and hold the waters of either Taunton River, in the city of Taunton, or in the town of Raynham, or Elders' and Assowompsett ponds in the towns of Lakeville, Middleborough and Rochester, and the waters in said towns which flow into said ponds, together with any water rights connected therewith, and may take and hold, by purchase or otherwise, such land around the margin of said ponds, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold such lands as are necessary for maintaining dams and reservoirs for the storage of said waters, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said city of Taunton: *provided, however*, that if said city of Taunton take water from said Assowompsett Pond the said city shall construct and maintain a dam at the place where the Assowompsett Pond flows into Namasket River, not exceeding two and one-half feet in height above the mud sill as it now exists at said place; and *provided, further*, that if said dam shall not retain sufficient water for one year's supply for the city of Taunton, then said city shall have the right to, and shall raise said dam to such a height as will retain sufficient water for one year's supply for said city of Taunton. It is also provided that the natural flow of said Assowompsett Pond into the Namasket River shall at all times be maintained.

Taunton to be supplied with water.

SECTION 2. Said city of Taunton shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds in which by existing laws a deed of the same is required to be recorded, a description of land so taken, sufficiently accurate for identification, and state the purposes for which it is taken, and the title of all land so taken shall vest in said city. Any person injured in his property under this act, and failing to agree with said city as to the amount of damages, may have the same assessed and determined in the same manner as is provided where land is taken for highways.

To file in the registry of deeds a description of the land taken.

SECTION 3. Said city of Taunton may construct dams, reservoirs and aqueducts, and maintain the same by any works suitable therefor. Said city of Taunton may also

May construct dams, reservoirs, etc.

carry its conduits, pipes and drains over or under any water-course, street, railroad, highway or other way, in such a manner as not to obstruct the same, and may enter upon and dig up any road or way in such a manner as to cause the least hindrance to the travel thereon; and in general may do any other acts and things necessary, convenient or proper for the carrying out of this act.

Penalty for corrupting or diverting water.

SECTION 4. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said city for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Taunton Water Loan not to exceed \$200,000.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, said city of Taunton, through its treasurer, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, "Taunton Water Loan," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates of debt respectively. Said city may sell the same, 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 it may deem proper. Said city shall pay the interest as it accrues on said loan, and shall establish a sinking fund and shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain sacred and inviolate and pledged to the payment of said principal and shall be used for no other purpose.

Water commissioners to be chosen by city council in convention.

SECTION 6. Three commissioners shall be chosen by the city council in convention, one for the term of one year, one for the term of two years, and one for the term of three years from the first Monday of the January following the acceptance of this act by the city of Taunton as hereinafter provided, and until their successors respectively

are chosen. In each succeeding year one commissioner shall be so chosen for the term of three years and until his successor is chosen. The city council may in like manner fill any vacancy occurring in said board. And the said commissioners shall superintend and direct the execution and performance of all the works, matters and things mentioned in the preceding sections; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office.

SECTION 7. Said water commissioners shall so establish the rents for the use of said water, as to provide annually from the net income for the payment of the interest on the "Taunton Water Loan," and also after three years from the introduction of said water, for the further payment of not less than one per centum of the principal of said loan. The net surplus, after deducting all interest and expenses, shall be set apart as a sinking fund and applied solely to the payment of the principal of said water loan, until the same is fully paid and discharged. Said water commissioners shall be trustees of said sinking fund, and shall annually, or as often as said city may require, render an account of all the doings in relation thereto.

Commissioners
to establish
water rates.

SECTION 8. At any time after the expiration of three years from the introduction of said water, and before the reimbursement of the principal of said "Taunton Water Loan," if the net income from said water rents, at the rates established by the water commissioners, shall, for any two successive years, be insufficient to pay the accruing interest on said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, upon the petition of twenty-five or more legal voters of said city, shall appoint three commissioners, who, upon due notice to the parties interested, may increase the price of said water, so far as may be necessary for the purposes aforesaid, but no further; and the award of said commissioners, or the major part of them, being returned and accepted by said court at the next term thereof, shall be binding and conclusive for not less than three years next after said acceptance.

Water rates
may be in-
creased if re-
ceipts are not
sufficient to pay
interest on loan.

Liability of owner and tenant.

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 in writing of such use, he does not object thereto.

Rights of certain towns not affected.

SECTION 10. Nothing in this act shall affect any right of the town of Raynham to draw water from said river, or any rights of the towns of Lakeville, Middleborough and Rochester, to draw water from said pond or ponds, or of the city of New Bedford to draw water from Long Pond.

When to take effect.

SECTION 11. This act shall take effect upon its passage, and shall become void unless accepted within two years by a majority vote of the legal voters of the city of Taunton present and voting at a legal meeting called for that purpose, and held in the same manner as meetings for the election of municipal officers; the check list shall be used, and the voting of such meeting shall be by ballot, written or printed, yea or nay.

Approved May 19, 1875.

Chap. 218 AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWTON.

Be it enacted, &c., as follows:

City to be divided into seven wards.

SECTION 1. The third section of chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, entitled An Act to establish the city of Newton, is hereby amended, as follows: The city council shall, in the year eighteen hundred and seventy-five, divide said city into seven wards, so that they shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of voters in each ward; and hereafter, in every fifth year, the city council may in like manner make a new division of said wards according to the census to be taken in the month of May or June in said years.

Seven aldermen and fourteen common councilmen.

SECTION 2. The second section of said act is hereby amended so as to provide that the board of aldermen shall consist of seven aldermen, and that the common council shall consist of fourteen councilmen. The seventh section of said act is hereby amended so as to provide for the election of seven aldermen, one alderman being selected from each ward, instead of six, as is therein provided.

Seven overseers of the poor.

SECTION 3. Section eighteen of said act is hereby amended so as to provide for the election of seven persons to be overseers of the poor, one from each ward, instead of six, as is therein provided.