

sioners of Plymouth county and by vote of the town of Scituate in town meeting and the filing in the office of the said department of certified copies of said votes. So much thereof as provides for acceptance as aforesaid shall take effect upon its passage.

missioners and by vote of town of Scituate, etc.

Approved June 9, 1931.

AN ACT ESTABLISHING THE WEST WARREN WATER DISTRICT. *Chap. 425*
Be it enacted, etc., as follows:

SECTION 1. The inhabitants of that part of the town of Warren, known as West Warren, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit: Beginning at the southwest corner of land of John and Julia Dwanski located at the intersection of A street and the way known as Pluta street; thence running southeasterly to a point on South street, being the southeast corner of land of W. B. Baldiga located on the westerly side of said South street; thence running northeasterly and crossing said South street to the reservoir of the Thorndike Company on the westerly slope of Marks mountain; thence running northerly and crossing the Quaboag river and the location of the Boston and Albany Railroad to the northeast corner of the northernmost parcel of land of Cheney E. Cook located on Highland street; thence running northwesterly to the northwesterly corner of land of Szymon Putz located on Dean street; thence running northwesterly in prolongation of the same line to a point on the easterly side of School street; thence running southwestly and crossing Ware road and West Main street to the northwest corner of land of Weir located on West Main street; thence running southerly along the westerly boundary of said Weir's land to the northern bank of the Quaboag river; and thence running southeasterly and crossing the Quaboag river and the location of said railroad to the point of beginning, — shall constitute a fire and water district, and are hereby made a body corporate by the name of the West Warren Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, for assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein.

West Warren Water District established.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of water commissioners hereinafter provided for, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase, or otherwise, and hold, the waters, or

May take certain waters, etc.

any portion thereof, of any pond, spring or stream, or of any ground source of supply by means of driven, artesian or other wells within the town of Warren, not already appropriated for the purposes of a public water supply by the Warren Water District, and the water rights connected with any such sources, and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, the mains, pipes or other equipment of any corporation now supplying the district created hereunder; and for such purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, purifying and preserving the purity of the water, and for conveying the same to any part of the said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the state department 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 department. Said district may construct on the lands acquired and held under this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such 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 or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of Warren. Said district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad or railway 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 department of public utilities.

May take certain lands, etc.

Proviso.

May construct dams, reservoirs, etc.; make excavations, etc.

May construct wells, etc., lay aqueducts, conduits, etc.

May dig up and embank lands, highways, etc.

Proviso.

Requirements for entry upon railroad locations.

Property damages, recovery, etc.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from said district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, West Warren Water District Loan, Act of 1931. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

District may borrow money, issue bonds, etc.

West Warren Water District Loan, Act of 1931.

SECTION 5. The said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of 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 or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon said district by the assessors of said town of Warren annually thereafter until the debt incurred by said loan or loans is extinguished.

Payment of loan, etc.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said commissioners by this section shall be subject to the provisions of section nine.

Land acquired to be managed, etc., by board of water commissioners.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

Assessment and collection of taxes.

SECTION 8. A meeting of the voters of the territory included within the boundaries set forth in section one shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator

Meeting, how called.

for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles in the warrant.

Board of water commissioners, election, terms, powers.

SECTION 9. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting called for the purpose, 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 day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said commissioners are first elected and at each annual district meeting, said district shall elect by ballot a treasurer of said district, who shall be other than a commissioner, and who shall give bond to said district in such an amount and with such surety or sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of said district on account of the water works except upon a written order of said commissioners or a majority of them.

Quorum.

Vacancy.

Commissioners to fix water rates, etc.

Income, how used.

Net surplus, how used.

Annual, etc., report.

Adoption of by-laws, calling of meetings, etc.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments of principal accruing upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as said district 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 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters of said district, meetings may also be called by warrant as provided in section eight. Said district may also

establish rules and regulations for the management of its water works, not inconsistent with this act or with law, and may choose such other officers not provided for in this act as it may deem necessary or proper. Said district shall have all the rights and privileges conferred by law upon water districts and fire districts, so far as applicable.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

Penalty for polluting water, etc.

SECTION 13. Upon a petition in writing addressed to said commissioners by any owner of real estate in said town, abutting on said district, setting forth that the petitioner desires to have certain accurately described portions of his real estate included in said district, said commissioners shall cause a duly warned meeting of said district to be called, at which meeting the voters may vote on the question of including said real estate within said district. If a majority of the voters present and voting thereon vote in the affirmative, the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote, describing precisely the real estate added to said district; and thereupon said real estate shall become and be a part of said district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

Referendum to voters on question of including certain real estate within district, etc.

SECTION 14. For the purpose only of its acceptance, this act shall take effect upon its passage, and it shall take full effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called, in accordance with the provisions of section eight, within one year after its passage; but the number of meetings so called in said year shall not exceed three. This act shall become void, unless said district shall begin to distribute water to consumers within one year after its acceptance as aforesaid.

Submission to voters of district, etc.

Act void unless, etc.

Approved June 9, 1931.

AN ACT ELIMINATING CERTAIN OBSOLETE PROVISIONS FROM THE GENERAL LAWS AND MAKING CERTAIN FURTHER CORRECTIONS AND ADJUSTMENTS THEREIN.

Chap. 426

Be it enacted, etc., as follows:

Obsolete Provisions.

SECTION 1. Section seven of chapter fifteen of the General Laws is hereby repealed.

G. L. 15, § 7, repealed.

SECTION 2. Section thirty-three of chapter twenty-nine of the General Laws, as amended by section thirty-one of

G. L. 29, § 33, as amended, repealed.