

Harbor line
established on
easterly side of
river.

The line on the easterly side of Wareham River begins at a point on the outer or south-westerly corner of the stone abutment or sea-wall, on the southerly side of the sluice or passage-way for barges under the town and railroad bridges, marked K on said map; and runs south-easterly, in a straight line, a distance of one thousand and eighty-five feet to a point opposite the wharf of the Franconia Iron and Steel Company on the westerly side of the river, and distant from the line of said wharf two hundred and fifty feet, measuring at right angles therefrom, marked L on said map; thence, turning more easterly by an angle with the last-named line of sixteen degrees, and running a distance of fourteen hundred feet to a point marked M on said map; thence, turning southerly by an angle with the last-named line of twelve degrees, and running a distance of three hundred feet to a point marked N on said map; thence, turning more southerly by an angle with the last-named line of twenty-seven degrees and thirty minutes, and running a distance of three hundred feet to a point marked O on said map; thence, turning more southerly by an angle with the last-named line of twenty-three degrees, and running a distance of three hundred feet to a point marked P on said map; thence, turning south a little westerly, and running a distance of two thousand feet to a point distant about seventy-five feet westerly from the high-water mark at the salient point of the headland on the easterly side of the river, opposite the mouth of Broad Marsh River on the westerly side of the river, marked Q on said map, which point Q is distant five hundred feet from the line G H on the opposite and easterly side of the river, measuring at right angles to said line G H.

Authority to
construct wharf
etc., not given
by this act.

SECTION 2. Nothing contained in this act shall be construed to give authority to any person to extend or construct a wharf, pier or other structure in Wareham River.

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

Approved April 25, 1872.

Chap. 265

Winchester to
be supplied
with pure water
from Wedge &
Winter Ponds.

AN ACT TO SUPPLY THE TOWN OF WINCHESTER WITH PURE WATER.

Be it enacted, &c., as follows:

SECTION 1. The town of Winchester may by and through the agency of three commissioners to be appointed in the manner hereinafter provided, take, hold and convey by steam or other power, into and through the said town, by suitable aqueducts or pipes, the waters of Wedge Pond and Winter Pond, and may also take and hold by purchase or otherwise any real estate or water rights necessary for the construction of such aqueducts, pipes, pumps, dams, reser-

voirs or other structures as may be necessary or convenient for the preservation and purity of said waters, and for collecting, conducting and distributing the same in said town of Winchester; and may make reservoirs and hydrants, and may distribute the said water through said town by laying down pipes, and may establish from time to time prices or rents for the supply or use of said water.

SECTION 2. Within sixty days after the taking of any of the land aforesaid, said town, through the same agency, shall file in the registry of deeds for the county in which the land lies, a description thereof, sufficiently accurate for identifying the same. All claims for damages sustained by taking lands, water or water rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways, except that the complaint may be filed within three years after said taking.

To file in registry of deeds, within sixty days, description of land taken.

Liability for damages.

SECTION 3. For the purpose of defraying the cost of such property, lands, water and water rights as are taken, purchased or held for the purposes aforesaid, and of constructing works necessary and proper for the accomplishment of the purposes authorized by this act, and paying all the expenses incident thereto, the said town of Winchester may, by and through the same agency, issue from time to time, scrip, notes or certificates of debt, to an amount not exceeding two hundred thousand dollars, the same to be denominated on its face, "Winchester Water Fund Bonds." All such scrip shall bear interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of said scrip, notes or certificates respectively; and the same or any part thereof, may be sold, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as said commissioners may deem proper. Said town is authorized to make appropriations, and assess from time to time such amounts as it may from year to year decide, not exceeding in any one year prior to the year in which the bonds mature, the sum of ten thousand dollars, towards paying the principal of the money so borrowed; and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

"Winchester Water Fund Bonds" may be issued, not exceeding \$200,000.

Interest payable annually, and principal within twenty years.

Annual appropriations and assessments may be made for principal and interest.

SECTION 4. Three commissioners shall be chosen by the said town by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections, that are not specially otherwise pro-

Three commissioners to be chosen who shall have charge of the works.

vided for in this act ; and they shall be subject to such rules and regulations, in the execution of their said trust, as the said town may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth.

To hold office for three years unless works are sooner completed.

They shall respectively hold their said offices for the term of three years next after their appointment, unless the works aforesaid shall sooner be completed.

Compensation.

A major part of said commissioners shall be a quorum to do business. They shall, once a year, and whenever required by the selectmen of the town, make and present, in writing, a full and particular statement of all their acts and doings, and of the condition and progress of the work aforesaid. The compensation of said commissioners shall be established by the town at the meeting at which they shall be respectively elected, and shall not be altered during their continuance in office.

When office of commissioners ceases, powers to be exercised by the town.

SECTION 5. Whenever the office of said commissioners shall cease either by the expiration of their term of office or the completion of the work, all the rights, powers and authority given to said commissioners by this act, shall then and thenceforth be exercised by the said town, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said town shall from time to time ordain and direct.

Penalty for unlawfully using or diverting water or rendering it impure.

SECTION 6. If any person shall use any of the said water, without the consent of the said town, an action of tort may be maintained by the inhabitants of said town for the recovery of damages therefor ; and if any person shall wantonly or maliciously divert the water or any part thereof, of any springs, brooks or water-courses which shall be taken pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, reservoir, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said town, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor, in an action of tort in the name of the inhabitants of said town ; and any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars or imprisonment not exceeding one year.

Rights of drainage not increased.

SECTION 7. Nothing in this act shall be construed as giving any increased rights of drainage into any of the water-courses or ponds of said town of Winchester.

SECTION 8. The selectmen of the town of Winchester shall warn a meeting of the voters of said town within one year from the passage of this act for the purpose of having said voters give in their votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question shall be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Subject to acceptance by voters at meeting to be called within one year.

SECTION 9. This act shall take effect upon its passage.

Approved April 25, 1872.

AN ACT RELATING TO THE COMPENSATION OF THE STATE LIQUOR COMMISSIONER AND ASSAYER.

Chap. 266

Be it enacted, &c., as follows:

SECTION 1. The commissioner for the purchase and sale of intoxicating liquors shall receive no salary from the treasury of the Commonwealth.

Commissioner to receive no salary from the state.

He shall receive his remuneration wholly from the profits accruing from the sales of liquors made by him, said remuneration not to exceed the sum of five thousand dollars per annum.

Remuneration from profits from sales.

All profits accruing from the sales of liquors by said commissioner, after deducting therefrom the sum of five thousand dollars as remuneration of the commissioner, and seven per cent. interest on the capital employed, said capital not to exceed the sum of sixty thousand dollars, and such necessary office and incidental expenses as shall be approved by the governor and council, shall be paid into the treasury of the Commonwealth, annually, on the fifteenth day of October.

Net profits to be paid into state treasury.

After the expiration of six months from the passage of this act, all liquor of foreign production kept or sold by said commissioner shall be imported by him or under his direction.

Liquors of foreign production to be imported by commissioner.

SECTION 2. So much of section twenty-five of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine as provides that the inspector and assayer of liquors shall not analyze liquors for other parties than the Commonwealth, cities and towns, and that he shall receive an annual salary, are hereby repealed.

Repeal, 1869, 415, § 25.

SECTION 3. All liquors kept for sale by the commissioner to sell spirituous and intoxicating liquors, shall be analyzed by the inspector and assayer as now required by law, at an expense not exceeding one per cent. of the cost of the liquor, to be paid by the commissioner and added to said cost.

All liquors to be analyzed by assayer.

SECTION 4. All provisions of said act, and of acts in

Repeal.