

Chap. 86 AN ACT TO AUTHORIZE THE TOWN OF WRENTHAM TO SUPPLY ITSELF WITH WATER.

Be it enacted, etc., as follows:

Town of Wrentham may supply itself with water, etc.

SECTION 1. The town of Wrentham may supply itself and its inhabitants with water for the extinguishment of fires and for domestic 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 take certain water, lands, etc.

SECTION 2. Said town may obtain its water supply by means of driven, artesian or other wells, or may take by purchase or otherwise and hold the water of any pond, stream or spring, or artesian or driven well, within the limits of the town, and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for holding and preserving the water and for conveying the same to any part of said town:

Proviso.

provided, that no source of water supply for domestic purposes 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. Said town may also erect on the land taken or held as aforesaid, proper dams, buildings, reservoirs, standpipes, tanks and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works under or on any lands, water courses, railroads, railways or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same: and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

May erect structures, lay pipes, etc.

Description of property to be recorded.

SECTION 3. Said town shall, within ninety days after the taking of any land, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated, a description thereof sufficiently accurate

for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

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, who fails to agree with said town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for laying out 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 two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the said town may tender to the petitioner or his attorney any sum, or may bring the same into court, to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered as damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the petitioner, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

SECTION 6. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding one hundred and twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Wrentham Water Loan, and 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 per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of loan.

SECTION 7. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

Town to raise a certain sum by taxation annually.

SECTION 8. Said town shall raise annually by taxation 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 and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act.

Town may purchase interest in certain property, etc.

SECTION 9. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the provisions of this act, and may hold such interest and property.

Penalty for corruption of water, etc.

SECTION 10. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said town under this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the said wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

SECTION 11. Said town shall after its acceptance of this act, at a town 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 every annual town meeting thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town 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 said town may impose by its vote. A majority of said 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 town at any town meeting called for the purpose.

Water commissioners, election, terms, etc.

Quorum.
Vacancy.

SECTION 12. Nothing in this act shall be construed as conflicting with or restricting the right which the town of North Attleborough has by authority given it by chapter two hundred and four of the acts of the year eighteen hundred and ninety-five in any water of any pond, stream or spring in the said town of Wrentham.

Certain rights not affected.

SECTION 13. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Wrentham present and voting thereon by ballot at a legal town meeting called for the purpose within three years after its passage, but the number of meetings so called in any one year shall not exceed two. So far as it relates to acceptance by the said town this act shall take effect upon its passage.

When to take effect.

Approved February 16, 1904.

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

Chap. 87

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter three of the Revised Laws is hereby amended by striking out the words "Each clerk may also employ necessary clerical assistance at an expense of not more than fifteen hundred dollars a year", in the sixth, seventh and eighth lines, and inserting in place thereof the words:—The clerk of the senate may also employ necessary clerical assistance at an expense of

R. L. 3, § 12, amended.