

be taken from
Thompson's Is-
land without
permission.

shores or flats of Thompson's Island in Boston Harbor without the permit of the managers of the Boston Asylum and Farm School for Indigent Boys, or the chief of the police of the city of Boston, shall for every offence pay a fine of not less than five dollars or more than ten dollars, and costs of prosecution; said fine to be recovered by complaint before the municipal court of the city of Boston.

Offender may be
arrested without
a warrant.

SECTION 2. Any constable or police officer of the city of Boston may without a warrant arrest any person whom he finds in the act of taking shell fish in violation of the provisions of the preceding section of this act, or in the act of carrying away shell fish so taken, and detain him in some place of safe keeping until a warrant can be procured against such person upon a complaint for said offence: *provided*, that such detention shall not exceed twenty-four hours.

Approved March 23, 1878.

Chap. 79 AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ADDITIONAL MASTER IN CHANCERY FOR THE COUNTY OF ESSEX.

Be it enacted, &c., as follows:

Additional mas-
ter in chancery
for Essex Coun-
ty.

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized to appoint an additional master in chancery in and for the county of Essex, and hereafter the number of masters in chancery for said county shall be eight.

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

Approved March 23, 1878.

Chap. 80 AN ACT TO SUPPLY THE TOWN OF WAYLAND WITH PURE WATER.

Be it enacted, &c., as follows:

Wayland to be
supplied with
water.

SECTION 1. The town of Wayland is authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants; to regulate their use and relocate or discontinue the same; and to fix and collect rents for the use of said water.

May take and
hold the land
and waters.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the water, or so much thereof as may be necessary, with the water-rights connected therewith, of any springs, natural ponds, brooks or other water-sources, within its own limits; and may also take and hold all necessary lands for raising, holding and preserving such water, and conveying the same to any and all parts of said town; and may erect thereon proper dams, buildings, fixtures

and other structures; and make excavations, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street, highway or other way in such manner as when completed not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water-sources or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.

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

SECTION 3. The said town of Wayland shall be liable to pay all damages sustained by any persons or corporations in their property, by the taking of any lands, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person, persons, or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he or they may have them assessed by the county commissioners for the county of Middlesex, by making a written application therefor within two years after the taking of such land or water-sources or rights, or other injury done as aforesaid under this act, but not thereafter; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Wayland Water Loan," to an amount not exceeding twenty-five thousand

"Wayland water loan" not to exceed \$25,000.

dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. And said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt, a sinking fund, and contribute thereto by taxation from year to year, an amount not exceeding in any one year the sum of eight hundred dollars, excepting the year in which said securities mature; and said sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same annually to the town.

Sinking fund to be established.

Penalty for diverting water or rendering it impure.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid, may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Construction of works under persons to be chosen by town.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, five persons shall be elected by ballot to contract for and superintend the construction and completion of the said water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to the instructions of the town.

Water commissioners to be elected.

At said meeting there shall also be elected by ballot, a board of three water commissioners; one to serve until the next annual meeting of the town thereafter, in March or April; one for a term one year longer; and the third for a term two years longer than the first: after which first election, one member of said board as the term expires shall be elected at the annual meeting, to serve for three

years. Said commissioners shall have charge of the water works when completed, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject to such instructions as the town may from time to time impose by its vote; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

SECTION 7. The town of Wayland is hereby prohibited from discharging its drains or sewers already constructed or which may be hereafter constructed, into the water supply of the city of Boston, or brooks flowing into the same: *provided*, that this prohibition shall only apply to the discharge of polluted matter other than naturally flows from surface drainage.

Not to discharge drains or sewers into the water supply of Boston.

SECTION 8. This act shall take effect from its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose; and this act shall be void unless so accepted by said town within two years from the date of its passage.

Subject to acceptance by a two-thirds vote of the legal voters.

Approved March 23, 1878.

AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HANOVER AND ROCKLAND.

Chap. 81

Be it enacted, &c., as follows:

SECTION 1. The boundary line between the towns of Hanover and Rockland is hereby defined and established as follows, to wit:—Beginning at a monument in the north line of the town of Hanson twelve hundred and fifty meters easterly from the monument at the south-west corner of Rockland and running thence in a straight line north, eight degrees and twenty-seven minutes east, thirty-three hundred and forty meters, to the old stone monument at the south-west corner of the “Drinkwater shares,” near the Otis Ellis place; thence running north, one degree and fifty minutes west, thirty-eight hundred and sixty-three meters, to a monument in range with the northerly line between the towns of Hanover and South Scituate; thence running in said range south, eighty-eight degrees and six minutes east, thirteen hundred and twenty-five meters, to the old monument in said line at the corner of South Scituate and Rockland.

Boundary line defined between Hanover and Rockland.

All the territory in said towns lying easterly and south-