

Ch. 191. AN ACT TO SUPPLY THE TOWN OF DANVERS WITH PURE WATER.
Be it enacted, &c., as follows:

Danvers to be supplied with pure water.

SECTION 1. The town of Danvers is authorized to take and hold the waters of Middleton Pond in the town of Middleton, and Swan's Pond in the town of North Reading, and the waters in said towns which flow into the same, 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 town of Danvers.

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

SECTION 2. Said town of Danvers shall within sixty days from the time of taking any land as aforesaid, file in the registry of deeds, for the southern district of the county of Essex, 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 town. Any person injured in his property under this act, and failing to agree with said town 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; but no assessment of damages shall be made for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority of this act.

May construct dams and reservoirs.

SECTION 3. Said town of Danvers may construct dams, reservoirs and aqueducts and maintain the same by any works suitable therefor; said town of Danvers may also 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 wilfully corrupting water, or diverting the same.

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 prop-

erty owned or used by said town 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 either of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, said town of Danvers, 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, "Danvers Water Loan," to an amount not exceeding three 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 thirty years from the issuing of said notes, scrip or certificates of debt respectively. Said town 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 town is further authorized to make appropriations, and assess from time to time such amounts as may be necessary to pay the interest on said loans together with an amount not exceeding in any one year the sum of five thousand dollars, towards payment of the principal of money so borrowed; except the year in which said principal shall become due.

"Danvers
Water Loan,"
not exceeding
\$300,000.

SECTION 6. At any meeting of the inhabitants of the town of Danvers, called for that purpose, three commissioners shall be elected by ballot, one for the term of three years, one for the term of two years and one for the term of one year from the next succeeding annual town meeting, and at each annual town meeting thereafter a commissioner shall be chosen to serve for the full term of three years. All the authority granted to the town of Danvers by this act and not specifically provided for shall be vested in said commissioners, who shall receive such compensation as said town may from time to time determine.

Water commis-
sioners to be
elected by
ballot.

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 "Danvers Water Loan," and also after three years

To establish
rents for the use
of water.

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 loans until the same are fully paid and discharged. Said water commissioners shall be trustees of said sinking fund, and shall annually or as often as said town may require render an account of all the doings in relation thereto.

If receipts from water rents are insufficient to pay interest, &c., prices may be increased.

SECTION 8. At any time after the expiration of three years from the introduction of said water, and before the reimbursements of the principal of said "Danvers 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 town, 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.

Liability of occupant 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 of such use he does not object thereto.

Rights of Middleton and North Reading not affected.

SECTION 10. Nothing in this act shall affect any right of the town of Middleton to draw water from said Middleton Pond, or the town of North Reading to draw water from said Swan's Pond.

Act to be accepted within two years.

SECTION 11. This act shall take effect upon its passage, and shall become void unless accepted within two years by the town of Danvers, at a legal meeting called for that purpose.

Approved April 24, 1874.

Ch. 192. AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO ISSUE ADDITIONAL WATER SCRIP, AND TO LIMIT THE AMOUNT THEREOF.

Be it enacted, &c., as follows:

Arlington may issue additional water scrip,

SECTION 1. The town of Arlington, for the purposes mentioned in the eighth section of chapter two hundred