

in said docks may be used in filling the inclosures in the manner and as is required by section three of chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five: *provided*, that all the specific excavations required by section two of said act shall be made and maintained by said Mystic River Corporation, its successors or assigns; and *provided*, that no such dock shall be constructed within three hundred feet of said Chelsea Bridge, nor until the space under said bridge between the north sea-wall and the sea-wall on the south channel built by said corporation shall be filled solid. And vessels may be laid in said docks, and dockage and wharfage be received therefor.

Approved April 7, 1876.

Chap. 130 AN ACT TO SUPPLY THE TOWN OF HINGHAM WITH PURE WATER.
Be it enacted, &c., as follows: •

Hingham to be supplied with pure water.

SECTION 1. The town of Hingham is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam and for domestic and other uses; and may establish public fountains and hydrants, regulate their use, and discontinue the same, and may collect such rents as may be fixed for the use of said water.

May take waters of Accord Pond.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Accord Pond, so called, in the towns of Hingham, Scituate and Rockland, and the waters which flow into and from the same, together with any water rights connected therewith, and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting, purifying and preserving such waters, and conveying the same to any and all parts of said town of Hingham; and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for the purposes of this act may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses or railroads, and along any street, highway, alley or other way, but in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hinderance to travel thereon: *provided*, that within ninety days after the time of taking any lands, waters or

May erect dams and reservoirs.

water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by a majority of the water commissioners hereinafter named.

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

SECTION 3. Said town of Hingham shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken and diverted by said town. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Hingham shall have authority from time to time to issue notes, bonds or scrip, signed by its treasurer and countersigned by the chairman of the selectmen thereof, to be denominated "Hingham Water Loan," to an amount not exceeding two hundred thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

"Hingham Water Loan" not to exceed \$200,000.

SECTION 5. The treasurer of said town and the chairman of the selectmen thereof, *ex officio*, and three persons to be elected by ballot by the said inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance

Board of water commissioners.

of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

Three commis-
sioners to be
elected.

SECTION 6. At any annual meeting of the inhabitants of said town or at any special meeting called for the purpose, one of the three persons to be elected according to the provisions of the preceding section, shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years from the next succeeding annual town meeting; after which first election, a member of said board, as the term of each expires, shall be elected at the annual town meeting for the term of three years. Vacancies may be filled at any town meeting duly called for the purpose. Said commissioners shall receive such compensation as the said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Water rates to
be established.

SECTION 7. Said water commissioners shall from time to time establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest on the "Hingham Water Loan," and also after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

Sinking fund.

If income is in-
sufficient, rates
may be in-
creased.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of said "Hingham Water Loan," if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall, for any two successive years be insufficient to pay the accruing interest on the said loan and the one per centum to the sinking fund as aforesaid, then the supreme judicial court,

or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying, from the said surplus income and receipts, the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof, for the county of Plymouth, and accepted by said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the price so fixed shall, after said term, be changed by the said water commissioners or by said town.

Commissioners to increase rates, to be appointed by supreme judicial court.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and the owner thereof shall also be liable, on being notified of such use, until he shall object thereto by written notice to said water commissioners.

Liability of owner and tenant.

SECTION 10. Any person who shall use said water, without the consent of the town, or who shall wantonly or maliciously divert the water or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered in an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Penalty for diverting water or rendering the same impure.

SECTION 11. This act shall take effect upon its passage; but nothing shall be done, or any expenditure made, or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of a majority of the legal voters of said town pres-

No expenditures to be made until act is accepted by legal voters.

ent and voting thereon at a legal meeting called for that purpose, within three years from the date of the passage of this act.

Approved April 7, 1876.

Chap. 131

AN ACT TO INCORPORATE THE TOWN OF MERRIMAC.

Be it enacted, &c., as follows :

Town of Merrimac incorporated.

Territorial limits.

SECTION 1. All the territory now within the town of Amesbury in the county of Essex, comprised within the following limits, that is to say ; beginning at a point on the Merrimac River, at the middle of the mouth of Pressey's Creek (so called), thence running northerly in a straight line to the most northerly point of land on the southerly side of Kimball's Pond, thence north-westerly in a straight line to a point on the town line dividing Amesbury and Newton, New Hampshire, two thousand and fifty feet west from the monument on the state line dividing Massachusetts and New Hampshire, situated on a road leading from Newton to Amesbury and near the house of Arthur Robertshaw, thence westerly, south-westerly and south-easterly as the present division lines run between the said town of Newton, city of Haverhill and said town of Amesbury, to a point on the Merrimac River, thence easterly by the Merrimac River to the point of beginning ; is hereby incorporated into a town by the name of Merrimac, and said town of Merrimac is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Inhabitants of Merrimac to pay assessed taxes to town of Amesbury.

SECTION 2. The inhabitants of said town of Merrimac shall pay all taxes which have been legally assessed upon them by said town of Amesbury ; and all taxes heretofore assessed and not collected, shall be collected by and paid to the proper officers of said town of Amesbury, in the same manner as if this act had not been passed. And until the next state valuation, the proportion of state and county taxes to be assessed upon said towns of Amesbury and Merrimac shall be ascertained and determined by the last valuation of said town of Amesbury, and the assessors of said town of Amesbury shall make return of said valuation and of the proportions thereof in said towns of Amesbury and Merrimac respectively, to the secretary of the Commonwealth and to the commissioners of the county of Essex.