

years from the time when the water is actually taken or diverted.

Real estate.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding in value thirty thousand dollars, and its capital stock shall not exceed eighty thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

May purchase aqueduct now in use.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Athol, his or their whole water-right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

SECTION 8. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 122

AN ACT TO SUPPLY THE TOWN OF HOPKINTON WITH WATER.

Be it enacted, &c., as follows:

Hopkinton may supply itself with water.

SECTION 1. The town of Hopkinton 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, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water and convey it through the town.

SECTION 2. Said town for the purposes aforesaid may take and hold the water, or so much thereof as may be necessary, of any springs, natural ponds or brooks within the limits of said town; and may convey said waters or

any part thereof into and through said town ; and may also take and hold by purchase or otherwise, all necessary lands for raising, holding, flowing, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said town ; 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 such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway or other way other than a railway, in such manner as not to unnecessarily 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 land, street, highway or other way, in such manner as to cause the least hindrance to travel thereon ; but all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Middlesex : *provided*, that within ninety days after the time of taking any lands, springs, ponds, brooks 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 purposes for which the same are taken, signed by the selectmen of said town.

May dig up streets and highways.

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

SECTION 3. Said town of Hopkinton 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.

Hopkinton
Water Loan.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated "Hopkinton Water Loan," to an amount not exceeding fifty thousand 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 bonds 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. 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 from year to year an amount raised annually by taxation, sufficient with its accumulations to pay said loans at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose.

To establish a
sinking fund.

Penalty for
diverting water
or rendering it
impure.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property 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 named acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Powers may be
conferred upon
agents.

SECTION 6. The rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, may be exercised by such agents and servants as said town shall elect or employ, who shall act in accordance with the votes of said town.

Subject to
acceptance by a
two-thirds vote.

SECTION 7. This act shall take effect upon 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 the town present and voting thereon, at a legal meeting called for that purpose.

Approved April 10, 1877.