

Commissioner to furnish blanks for returns and make report to legislature.

SECTION 2. The tax commissioner shall in due season forward to the assessors, blanks suitable for making the returns required by the first section, and shall include in his annual report to the legislature a tabular statement of statistics derived from such returns.

SECTION 3. This act shall take effect upon its passage.

Approved May 29, 1873.

Ch. 322. AN ACT TO SUPPLY THE TOWN OF WESTFIELD WITH PURE WATER.
Be it enacted, &c., as follows:

Westfield to be supplied with pure water.

SECTION 1. The town of Westfield is authorized to take, hold and convey, into and through said town, the water of the Pochassie Brook, in Montgomery, or the water of any natural pond or ponds, brook or brooks within said town, north of the Westfield River, 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.

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

SECTION 2. The town of Westfield, within sixty days from the time they take any lands for the purposes of this act, shall file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken, as certain as is required in a common conveyance of lauds, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the water commissioners hereinafter named.

May build aqueducts and maintain dams.

SECTION 3. The said town may make, build and lay down aqueducts and pipes, from such sources to, into, through and about said town, and secure and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said town; and may make, erect and maintain, and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said town.

Liability for damages.

SECTION 4. Said town of Westfield 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 or repairing of any dams, 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 by the county commissioners for the county of Hampden, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury, and if the damages are increased by the jury the town shall pay all legal costs, but otherwise the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner, as provided in case of taking land for highways.

SECTION 5. The rights, powers and authorities granted to the town of Westfield by this act, shall be vested in and exercised by a board of water commissioners, consisting of five citizens of said town, who shall be elected by the legal voters of said town at an election which shall be legally ordered and held at the same time and date that the said town shall vote upon the acceptance of this act. The said commissioners shall serve until the first day of January, eighteen hundred and seventy-six. Thereafter the rights, powers and authority granted to the said town by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said town who shall be chosen by the legal voters of said town, one for the term of one year, from the first day of January eighteen hundred and seventy-six, one for the term of two years, one for the term of three years, and annually thereafter one water commissioner shall be so chosen to serve for the term of three years. Vacancies may be filled at any town meeting duly called for the purpose. The said commissioners shall receive such compensation as the town of Westfield may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Powers granted to be vested in a board of water commissioners.

Compensation of commissioners.

SECTION 6. For the purposes of paying all necessary expenses and liabilities incurred under the provisions of this act said town shall issue bonds, signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners, denominated "Westfield Water Bonds," to an amount not exceeding two hun-

"Westfield Water Bonds" may be issued not exceeding \$250,000 at seven per cent. interest.

dred and fifty 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, or pledge the same for money borrowed for the purposes of this act, 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 ten thousand dollars in any one year towards payment of the principal of said bonds, except the year in which the same or any part thereof may become due.

Prices for use of water.

SECTION 7. Said water commissioners may, from time to time, establish prices or rents for the supply or use of said water.

Penalty for unlawfully using or maliciously diverting water, or rendering it impure.

SECTION 8. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water or any part thereof, taken or held by said town, pursuant to the provisions of this act, 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 town under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Occupant of tenement liable for water rent.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner shall also be liable if, on being notified of such use, he does not object thereto.

Repeal.

SECTION 10. Upon the acceptance of this act by the town of Westfield, chapter ninety-five of the acts of the year eighteen hundred and seventy-one is repealed.

Subject to acceptance by vote of the town.

SECTION 11. This act shall be void unless accepted by a majority of the legal voters of said town of Westfield, present and voting thereon at a legal meeting held for the purpose, within one year from the passage of this act.

SECTION 12. This act shall take effect upon its passage.

Approved May 29, 1873.