

AN ACT TO SUPPLY THE TOWN OF WEYMOUTH WITH PURE WATER. *Chap. 174*
Be it enacted, etc., as follows :

SECTION 1. The town of Weymouth 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.

Water supply
for town of
Weymouth.

SECTION 2. Said town for the purposes aforesaid may take and hold the waters of Weymouth Great Pond, so called, in the town of Weymouth, 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 Weymouth; 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 a 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 a manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, waters, or water courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same is taken, signed by a majority of the water commissioners hereinafter named.

May take the
waters of Wey-
mouth Great
Pond.

May take lands,
and erect dams
and reservoirs.

May dig up
streets.

To file in regis-
try of deeds a
description of
the land and
waters taken.

SECTION 3. Said town of Weymouth 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

Liability of
town for
damages.

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.

Weymouth
water loan.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Weymouth 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 "Weymouth Water Loan," to an amount not exceeding three 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.

Board of water
commissioners.

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 herein-after provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance 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.

To hold office
for three years.

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

Vacancies.

Compensation.

may prescribe; and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

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 receipt therefor, for the payment of the interest on the "Weymouth 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.

May establish water rates.

Sinking fund.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the re-imburement of the principal of said "Weymouth 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 Norfolk, 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.

Water rates may be increased after three years, if income is insufficient to pay accruing interest.

Liability of tenant and occupant of building.

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.

Penalty for diverting water or rendering the same impure.

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.

Subject to acceptance by a majority vote.

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, present and voting thereon at a legal meeting called for that purpose, within three years from the date of the passage of this act; the number of said meetings called for that purpose in one year not to exceed three.

Approved April 6, 1881.

Chap. 175 AN ACT RELATIVE TO EXTRA CLERICAL ASSISTANCE IN THE OFFICE OF THE DEPUTY TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS.

Be it enacted, etc., as follows:

Compensation of extra clerks.

SECTION 1. Section two of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the word "eleven," in said section, and inserting in place thereof the word "twelve"; and also by striking out the proviso at the end of said section.

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

Approved April 6, 1881.