

at maturity of the scrip and bonds heretofore issued by said town and which may be issued by said town under the provisions of this act. Said town is authorized to appropriate and assess yearly, in the same manner as money is appropriated and assessed for other town purposes, a sum sufficient to pay the interest on said scrip or bonds and such amount as it may decide towards paying the principal thereof; and in case said net income derived from the water works and set apart as a sinking fund for the payment of the scrip and bonds hereby authorized, at maturity with accumulated interest, shall be insufficient to meet the requirements of law as to said sinking fund, said town shall raise by taxation annually such sum in addition to said net income and accumulated interest as with its accumulations will be sufficient to meet said requirements. Said sinking fund shall be used for no other purpose than the payment and redemption of said debt. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall so far as applicable apply to said sinking fund.

Town may assess yearly sufficient to pay interest on bonds, etc.

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

Approved March 26, 1891.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT DISTRICT ATTORNEY FOR THE SOUTH-EASTERN DISTRICT.

Chap. 113

Be it enacted, etc., as follows:

SECTION 1. The district attorney for the south-eastern district may appoint an assistant district attorney, who shall under his direction assist him in the performance of his duties, shall be removable at his pleasure, and shall receive a salary of eight hundred dollars a year and at that rate for any part of a year, to be paid equally out of the treasury of each of the counties of Norfolk and Plymouth.

Assistant district attorney may be appointed.

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

Approved March 26, 1891.

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO TAKE LAND FOR THE BETTER PROTECTION OF ITS WATER SUPPLY.

Chap. 114

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River may, for the purpose of providing a reservoir and storage basin for the said city and preserving the purity of the waters to be held in the North Watuppa pond and distributed therefrom, and pro-

May take land for better protection of water supply.

tecting and improving the shores and vicinity thereof, and providing a public parkway on the shores of said pond, at any time within five years after the passage of this act take and hold by purchase or otherwise any part of the lands and buildings thereon in the city of Fall River and town of Westport which lie within five hundred yards from the line of high water mark on the shores of said pond: *provided, however*, that where promontories or points of land project into said pond said limit of five hundred yards shall be taken to extend back from a line drawn across the necks or bases of such promontories or points of land. And said city shall have authority to take any land now used as a highway in the town of Westport and lying within said limits; and in case of such taking said city shall relocate, build and maintain suitable and convenient ways in place thereof for the use of the public.

Proviso.

A description of land, etc., taken to be filed in the registry of deeds, and to be published in a newspaper.

SECTION 2. Said city shall within sixty days after taking any lands or buildings as herein provided, otherwise than by purchase, for the purposes of this act file and cause to be recorded in the registry of deeds for the county and district in which said land and buildings are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which description and statement shall be signed by the mayor; and said city shall also cause a copy of such description and statement to be published three weeks successively in some newspaper printed in said Fall River and to be sent by mail to the last known address of the owner of record of the land so taken.

Regulations may be made to preserve purity of water.

SECTION 3. So long as North Watuppa pond shall be used by the city of Fall River for a reservoir, storage basin and water supply, or until otherwise provided by statute, the Commonwealth grants to said city the right to make such regulations concerning the use of the water in said pond as may be required to preserve the purity thereof and otherwise to carry out the provisions of this act. Said grant of power shall control the use of the waters in said pond, to take effect whenever said city shall become the owner of all land abutting on said pond.

Payment for damages.

SECTION 4. Said city shall be liable to pay all damages sustained in property by any person or corporation by reason of the taking of any land, right or easement under the authority of this act. If any one sustaining

damage as aforesaid does not agree with said city upon the amount of said damage he may, within two years from the filing of the description and statement mentioned in section two, apply by petition for an assessment of damage to the superior court in the county of Bristol, and upon the filing of such petition the clerk of said court shall issue a summons to said city returnable at the next return day after the expiration of thirty days from the filing of the petition. The summons shall be served fourteen days at least before the day on which it is returnable, by leaving a copy thereof and of the petition certified by the officer who served the same with the clerk of said city; and the court shall after notice and hearing appoint three disinterested persons who shall after reasonable notice and hearing assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury as hereinafter provided.

SECTION 5. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damages awarded as therein provided for, such party may, at the sitting of the court at which said award was accepted or the next sitting thereafter, claim in writing a trial in said court, and thereupon all questions of fact relating to such damages shall be heard and determined and the amount of damages assessed by a jury at the bar of said court, and the verdict of the jury being accepted and recorded by the court shall be final and conclusive and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively in the same manner as is provided by law in regard to proceedings relating to laying out of highways.

Parties dissatisfied with award may claim a trial in court.

SECTION 6. In every case of a petition to the superior court for an assessment of damages as provided in this act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but

City may tender damages to the petitioner.

proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court or offer of judgment, and not afterwards, unless the amount recovered by him in such action exceeds the amount so tendered. And said city shall be entitled to recover its costs afterwards unless the petitioner recovers an amount in excess of the amount so offered or tendered.

Rights to be exercised as the city may direct.

SECTION 7. All the rights, powers and authority given to the city of Fall River by this act shall be exercised by said city subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint.

Fall River Reservoir Loan not to exceed \$200,000.

SECTION 8. For the purpose of paying for the lands and settling the damages herein referred to, for improving the land by grading and laying out driveways and constructing bridges or otherwise, and for protecting the shores of said pond by a wall or otherwise, and for providing means for the prevention of the entrance of sewage or other polluting matters into said pond, the city of Fall River shall have authority to issue from time to time as a water debt, in accordance with chapter twenty-nine of the Public Statutes and chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, in addition to what it is already authorized to issue by law, notes, scrip or bonds, to be denominated on the face Fall River Reservoir Loan, to an amount not exceeding in all two hundred thousand dollars.

SECTION 9. This act shall take effect upon its passage.

Approved March 26, 1891.

Chap. 115 AN ACT TO AMEND THE CHARTER OF THE GLOUCESTER WATER SUPPLY COMPANY.

Be it enacted, etc., as follows:

Charter amended. 1881, 167, § 7.

SECTION 1. Section seven of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-one is hereby amended by adding at the end of said section the following words:— or at any regular municipal election; and the warrant for notifying such meetings, if called specially as aforesaid, shall specify when the polls shall be opened for the purpose of voting and when they shall be closed.

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

Approved March 26, 1891.