

acceptance by the affirmative votes of a majority of the voters voting at said election. The vote shall be taken by ballot in answer to the following question:— Shall the act to discontinue the present method of electing aldermen in the city of Worcester and to provide for the election of one alderman from and by each ward and one alderman-at-large be accepted?

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved February 26, 1902.* Repeal.

AN ACT TO AUTHORIZE THE TOWN OF ASHFIELD TO SUPPLY ITSELF WITH WATER. Chap.129

*Be it enacted, etc., as follows:*

SECTION 1. The town of Ashfield may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates therefor: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the advice and approval of the state board of health. Town of Ashfield may supply itself with water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Taylor brook in said Ashfield and all the waters which flow into or from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and storing such water and for conveying the same to any part of the said town, and for constructing and maintaining ponds; and may erect on the land so acquired, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works, under and over any land, water courses, railroads or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up such lands, and, under the direction Proviso.  
May take certain waters, lands, etc.  
May erect structures, lay pipes, etc.

of the selectmen of the towns in which any such ways are situated, may enter upon and dig up such ways in such manner as will cause the least hindrance to public travel.

Description of  
lands, etc., to  
be recorded.

SECTION 3. Said town shall within ninety days after the taking of any land, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county in which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken and the damages awarded therefor to any person or corporation, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by the town under authority of this act. Any corporation or person sustaining damages as aforesaid, who fails to agree with the town as to the amount of damages sustained, or who is aggrieved by the doings of the commissioners hereinafter mentioned, may have the damages assessed and determined in the manner provided by law when land is taken for highways, on application at any time within three years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water or water rights, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act.

Ashfield Water  
Loan.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding ten thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Ashfield Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge

the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The town shall pay the interest on the loan as it accrues, and shall provide at the time of contracting the loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of the loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund, etc.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter until the debt incurred by the town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

May provide for annual payments on loan.

SECTION 7. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town to raise a certain sum by taxation annually.

SECTION 8. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the provisions of this act, and may hold such interest and property.

May purchase interest in certain property, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or injures any water, structure, works or other property owned, held or used by the town under the authority 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 whoever is convicted of any of the said wilful or wanton acts shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

Penalty for corruption of water, etc.

Water commis-  
sioners, elec-  
tion, terms, etc.

SECTION 10. Said town shall after its acceptance of this act, at any legal meeting called for the purpose, elect by ballot three persons, legal voters of the town, to be a board of water commissioners, to serve, one for three years, one for two years and one for one year from the first day of May then next ensuing, and also from the time of their election to the first day of said May; and thereafter the town shall elect at each annual town meeting one person to serve on said board for the term of three years. Before entering upon their duties said commissioners shall be sworn to the faithful performance thereof. The commissioners shall serve until their successors are elected and qualified. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the town may from time to time impose by its vote, within the scope of its authority. Any vacancy occurring in said board from any cause may be filled temporarily by a majority vote of the selectmen of the town. The person so appointed shall hold office until the town fills the vacancy by ballot in the usual manner, which it may do at any annual town meeting, or at any special town meeting duly called for the purpose. A majority of the commissioners shall constitute a quorum for the transaction of business.

Vacancy, etc.

Quorum.

Contracts, etc.

SECTION 11. Said commissioners shall have charge of the system of water works in the town and all matters pertaining thereto; but no contract requiring the payment of money shall be made by them until the money therefor has been provided by the town or otherwise. The lawful contracts of the commissioners shall be the contracts of the town.

When to take  
effect.

SECTION 12. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon by ballot, as provided by law, at a legal town meeting called for the purpose within five years after its passage; but the number of meetings so called in any one year shall not exceed three.

*Approved February 27, 1902.*