

thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose.

Quorum.  
Vacancy.

SECTION 10. 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 at a legal town meeting called for the purpose within three years after the passage of this act; but it shall become void unless said town shall begin work thereunder within two years from the date of the acceptance of this act.

When to take effect.

*Approved February 27, 1903.*

AN ACT TO AUTHORIZE THE TOWN OF FAIRHAVEN TO ABATE A NUISANCE EXISTING THEREIN, AND TO PROVIDE FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID TOWN.

Chap. 106

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

SECTION 1. The town of Fairhaven may take by purchase or otherwise and hold any lands in said town, with the buildings and other fixtures thereon, situated within the district bounded northerly by Bridge street, thence easterly by Mulberry street, thence southerly by Christian street, thence easterly by Green street, thence southerly by Spring street, thence westerly by Main street, and also in the district bounded northerly by Pease street, thence easterly by Main street, thence southerly by Washington street, and thence westerly by Middle street. The town may also take by purchase or otherwise any ponds and the land or flats under water within said districts, or either of them, any or all mill privileges therein, any streams flowing through said districts, or either of them, or emptying or discharging into any pond in said districts, and any rights or privileges in said ponds or streams.

Town of Fairhaven may take, etc., certain lands, etc.

SECTION 2. The town may alter, divert and deepen the location and flow of any or all streams acquired as aforesaid, and may regulate the use of the same, and may

May alter location of streams, etc.

conduct the waters of any such pond, brook or stream through pipes or conduits.

Description of land, etc., to be filed.

SECTION 3. The town shall, within sixty days after the time of taking hereunder any land, pond, flat, mill privilege, stream or right or privilege therein, file in the office of the registry of deeds for the southern district of the county of Bristol a description of the land or property so taken, as certain as is required in a common conveyance of lands, and with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the selectmen of the town, and the title to all lands, ponds, flats, mill privileges, streams or rights or privileges therein so taken shall vest in the town of Fairhaven in fee simple.

To improve lands, etc., construct streets, etc.

SECTION 4. Said town shall forthwith, after any purchase or taking as aforesaid, fill with suitable material and otherwise improve any lands, ponds, flats, mill privileges, streams or rights or privileges in said districts, purchased or taken as aforesaid, or any part thereof, and shall abate any nuisance existing therein or arising therefrom. The town may lay out, widen, extend and construct streets, and construct sewers and drains therein, and may sell and convey or otherwise dispose of such lands and flats, or any part thereof, and the proceeds shall be applied to the cost of the work authorized by this act. For the purposes of this section the town may dredge the Aenshnet river, and may take by purchase or otherwise, in the manner provided in section one, the island situated in said river nearly opposite the outlet of the pond within said district, and commonly called Crow island, and may obstruct temporarily said river with appliances necessary or proper for said dredging or for using said island for said purposes. The town may establish a grade for said districts, and may enter upon any land within said districts for the purpose of filling the land to said grade. It may, in doing the work authorized by this act, lay railroad tracks or pipes through any street in said town, and maintain them so long as may be necessary for transporting earth or other material for use in the work aforesaid.

Damages.

SECTION 5. If any person whose land or other property is taken or damaged by any act done by said town in pursuance hereof shall agree with said town upon the damage done to him by such taking or act the amount so agreed upon shall be paid to him by said town forthwith. If the

parties do not so agree then all claims for damage to property sustained by any person, whether entitled to any estate in any land in said districts or not, by any acts of said town done in pursuance of the provisions of this act, shall be ascertained, determined and recovered in the manner now provided by law in the case of land taken for highways, except as herein otherwise provided. But in determining the damages sustained by such person the benefit, if any, to the property of such person by reason of any act of said town done in pursuance of the provisions of this act prior to the hearing on the merits of the petition, shall be set off against such damage. No petition for damages shall be filed within one year from the date of the taking or the date when the damage was sustained, and upon motion of the town the hearing upon the merits thereon shall be postponed until the completion of the work authorized by this act.

SECTION 6. - Said town in exercising any power granted by this act, except as herein otherwise provided, may act by a committee chosen at a town meeting duly notified, and said town itself or by said committee may enter into a contract for the performance of the work or any part thereof authorized by this act.

Town may act by a committee, etc.

SECTION 7. No contract shall be made nor work done nor expense incurred by said town or its committee under the provisions of this act, involving the town in any pecuniary liability, until an appropriation therefor has been made by the town sufficient to meet such liability.

No expense to be incurred, etc., until appropriation is made.

SECTION 8. All work done by said town under authority of this act west of Middle street shall be subject to the approval of the board of harbor and land commissioners.

Certain work to be subject to approval of harbor and land commissioners.

SECTION 9. The work authorized by this act shall be completed within three years after the date when the act takes effect, and all powers granted hereby which have not then been exercised shall thereupon cease and determine, and thereafter all property in said districts shall be subject to the general laws applicable thereto.

Work to be completed within three years, etc.

SECTION 10. 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 one hundred thousand dollars. Such bonds, notes or scrip shall be denominated on the face thereof, Fairhaven Improvement Loan, shall be payable at the expiration of periods not

Fairhaven Improvement Loan.

exceeding twenty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of said town. Said town may sell such securities 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 determine.

Sinking fund.

SECTION 11. Said town shall provide at the time of contracting the loan aforesaid 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 said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

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

*Approved February 27, 1903.*

Chap. 107

AN ACT TO AUTHORIZE THE TOWN OF WEYMOUTH TO MAKE AN ADDITIONAL WATER LOAN.

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

Weymouth  
Water Loan.

SECTION 1. The town of Weymouth, for the purpose of extending its system of water works, as authorized by the provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and eighty-one, may from time to time, during the term of ten years after the passage of this act, issue notes, bonds or scrip, to be denominated on the face thereof, Weymouth Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the purposes of the act aforesaid. Such notes, bonds or scrip shall be issued upon the terms and conditions and with the powers specified in the act aforesaid. Said town may sell said securities at public or private sale, or may pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that the whole amount of such notes, bonds or scrip issued by the town, together with those heretofore authorized to be issued by said town for the purposes named in said chapter one hundred and seventy-four, shall not in any event exceed the sum of five hundred and fifteen thousand dollars.

Proviso.

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

*Approved February 27, 1903.*