

under this act, and notice shall be given of such assessments, as provided in chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-five.

SECTION 5. This act shall take effect upon its passage.

*Approved May 19, 1894.*

### Chap.417

#### AN ACT TO SUPPLY THE TOWN OF MENDON WITH WATER.

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

Water supply  
for town of  
Mendon.

SECTION 1. The town of Mendon may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take  
certain waters,  
water rights,  
etc.

SECTION 2. Said town of Mendon, for the purposes aforesaid, and for the purpose of obtaining a supply of water, may take, hold and use the waters of Mendon pond, so-called, situated in the town of Mendon, and the waters which flow into and from the same; and may take by purchase or otherwise any water rights and water sources connected therewith, and any land or lands on the shores of or surrounding said pond, which it may deem necessary to take for the purpose of preserving the purity of said water, or which it may desire to use for the purpose of raising the water level or increasing the storage capacity of said pond; and also all lands, rights of way and easements within the said town which may be deemed necessary for holding, preserving and protecting such water and for conveying the same to any part of the said town of Mendon; and may erect upon the lands thus taken or held, proper dams, reservoirs, buildings, fixtures and other structures; and may make excavations, procure or 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 down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way 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 any such lands, and, under the

May dig up  
lands under  
direction of  
selectmen.

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

SECTION 3. The said town of Mendon shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same are taken, signed by the water commissioners hereinafter provided for.

Description of lands, etc., to be recorded.

SECTION 4. The said town shall be liable to pay all damages sustained by any persons or corporations in property by the taking of or injury to any of their land, water, water rights, easements or property, or by any other thing done by said town under the authority of this act: *provided, however*, that said town shall not be liable to pay any damage resulting from the taking and using of the water of the said Mendon pond other than the Commonwealth would be legally liable to pay. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, upon application at any time within the period of one year from the taking of such land or other property, or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of one year. No application for the assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually diverted or withdrawn by said town under the authority of this act.

Damages.

SECTION 5. The 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 in the aggregate fifteen thousand dollars. Such bonds, notes and scrip shall bear on their face the words, Mendon Water Loan, shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum; shall be

Mendon Water Loan.

signed in the name of said town by its treasurer and shall be countersigned by the water commissioners of said town hereinafter provided for. Said bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the date of issue. The 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 deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said 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 said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

May provide for annual payments on loan.

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

Return to state amount of sinking fund, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under the provisions of this act, and if none is established whether any action has been taken in accordance with the provisions of the preceding section, together with the amount raised and applied thereunder for the current year.

Payment of expenses.

SECTION 8. The town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating the water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. The said town is hereby further authorized, by a two thirds vote of the voters of said town present and voting at any legal meeting, to raise by taxation any sum

Extension of water works, etc.

of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding one thousand dollars in any one year.

SECTION 9. Whoever wilfully, wantonly or maliciously corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes 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 upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 10. The said town of Mendon shall, after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot to hold office for the term of three years. All the authority granted to the town of Mendon 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 said town may by its vote impose. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commissioners, election, term, etc.

To be trustees of sinking fund.

Vacancy.

SECTION 11. This act shall take effect upon its passage, but shall become void unless a system of water works, with not less than an eight inch main leading from said pond through the principal street to the village, shall have been constructed in said town of Mendon within one year from the date of its passage.

When to take effect, etc.

*Approved May 19, 1894.*