

incurred for the construction of such system, shall be estimated upon only so much of such indebtedness as is so determined to be paid by the city or town: *provided*,<sup>Proviso.</sup> that if, after the expiration of two years from the date of incurring such debts, the amounts received annually from assessments are not sufficient to create a sinking fund that will extinguish at maturity so much of such debts as is so determined to be paid by assessments, then such city or town shall raise annually by taxation a further sum sufficient to meet such deficiency in the preceding year.

SECTION 10. This act shall take effect upon its passage.

*Approved May 6, 1892.*

AN ACT TO INCORPORATE THE MILLIS WATER COMPANY.

*Chap. 246*

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

SECTION 1. Henry L. Millis, Moses Adams, Joseph W. Farwell, John S. Folsom, Alva L. Hollander, Charles R. Lane, their associates and successors, are hereby made a corporation by the name of the Millis Water Company, for the purpose of supplying the inhabitants of the town of Millis, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporation.

Millis Water Company incorporated.

Powers and duties.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold the waters, or so much thereof as may be necessary, of Aqua Rex spring, so-called, or of any springs, streams or wells, or of any filter galleries or wells that may be constructed upon the shore of any pond or near to any spring or streams in the town of Millis, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the lands thus taken and held, 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 works; and may construct and lay down conduits, pipes and other works, under or over

May take water from springs, etc.

May erect dams and structures.

May lay down conduits, pipes, etc.

May dig up  
lands and ways.

any lands, 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 corporation may dig up any such lands, and, under the direction of the board of selectmen, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel therein.

To file in registry of deeds a description of land, etc., taken.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, 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 of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Assessment and payment of damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation 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, on application at any time within the period of three years 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 said three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually taken.

May regulate use of water and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Millis or any part thereof; may regulate the use of said water and fix and collect water rates to be paid for the use of the same. And said town or any individual or corporation may make such contracts with said water company, to supply water for the extinguishment of fires and for other purposes, as may be agreed upon by said town, individual or corporation, and

said Millis Water Company. And said water company may receive and hold an assignment of any contract already authorized and entered into by said town, or by any individual or corporation with any of the incorporators hereunder, for a supply of water for the extinguishment of fire and for other purposes, whereupon such contract shall be of full force and virtue, binding both the said town, individual or corporation, and said water company.

May contract to supply water for extinguishment of fires.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Real estate.

Capital stock.

May issue bonds and secure by mortgage.

SECTION 7. Whoever wilfully or wantonly 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 corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation 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 in the jail not exceeding one year.

Penalty for corrupting or diverting water, or injuring property.

SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased, by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

May fix by vote amount of water to be taken.

SECTION 9. The said town of Millis shall have the right at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town; and the said corpora-

Town of Millis may purchase franchise, etc.

tion is authorized to make sale of the same to the said town. In case said corporation and said town are unable to agree then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose.

SECTION 10. The said town may, for the purposes of paying the cost of said franchise and corporate property and 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 one hundred thousand dollars; such bonds, notes or scrip shall bear on their face the words, Millis Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, and pledge the same for money borrowed for the purposes of this act, at not less than the par value thereof, upon such terms and conditions as it may deem proper. The said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity, by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulation to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purposes. If said town shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall without further vote of said town be raised annually by taxation, in the same manner as money is raised for other town expenses.

Authority to purchase subject to assent by a two thirds vote.

Town may issue bonds, etc., for payment of cost, etc.

Payment of principal and interest.  
Sinking fund.

SECTION 11. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and, if none is established, whatever action has been taken for the payment of the annual proportion of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Returns required to state amount of sinking fund established, etc.

SECTION 12. The said town shall, after its purchase of said franchise and corporate property as provided in 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 for the term of three years. The authority granted to the said town by this act and not otherwise specially provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its votes. 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 to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of the sinking fund.

Vacancies.

SECTION 13. This act shall take effect upon its passage.

*Approved May 6, 1892.*

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES BEYOND THE LIMIT FIXED BY LAW.

*Chap. 247*

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

SECTION 1. The city of Brockton, for the purpose of constructing a system of sewerage and of sewage disposal, and for the purchase of lands necessary thereto, is hereby authorized to incur indebtedness to an amount not exceeding three hundred thousand dollars outside its debt limit, and to issue from time to time negotiable bonds, notes or scrip to said amount.

May incur indebtedness for sewerage purposes beyond the debt limit.