

[1864, 268, § 15; 1869, 380; 1885, 294, 295, § 9; 1891, 285; 1893, 364; 1894, 29; 1903, 183; 1905, 132; 1906, 388; 1913, 700; 1914, 632, 768.]

AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR IN- *Chap.266*
DEBTEDNESS FOR THE PURPOSE OF RELAYING CERTAIN
WATER MAINS.

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly is hereby authorized to borrow a sum not exceeding eleven thousand dollars and to issue notes or bonds therefor for the purpose of relaying a water main on Rantoul street in said city. Such notes or bonds shall be denominated on their face, Beverly, Rantoul Street Water Loan, Act of 1915; shall be payable by such annual payments, beginning not more than one year after the date thereof, as will extinguish each loan within six years from its date. Said notes or bonds shall bear interest at a rate not exceeding four and one half per cent per annum, and shall, except as is otherwise provided herein, be issued in accordance with the provisions of chapter seven hundred and nineteen of the acts of the year nineteen hundred and thirteen, so far as they are applicable.

City of Beverly
may borrow
money to relay
certain water
mains.

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

Approved April 10, 1915.

[1915, 309, Spec.]

AN ACT TO AUTHORIZE THE TOWN OF WARREN TO SUPPLY *Chap.267*
ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Warren may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing 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 to be paid therefor.

Town of Warren
may supply
itself with
water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold, the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise and hold all lands, rights of way and easements necessary for collecting, storing, purifying and preserving the water, and for conveying the same to any

May take
certain lands,
waters, etc.

Proviso.

May construct
dams, etc., lay
pipes, etc.

part of said town: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken without first obtaining the advice and approval of the state department of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said department. Said town may construct on lands held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Warren, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the public service commission.

Restrictions.

Description of
lands, etc., to
be recorded.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, 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 were taken, signed by the water commissioners hereinafter provided for. The title to all land acquired under the provisions of this act shall vest in the town of Warren, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of the town.

SECTION 4. Said town shall pay all damages to property Damages. 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 said town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two 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 the said two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act. Said town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages, caused by such taking, shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said town shall be further liable only for the additional damages caused by such additional taking.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, may issue from time to time, bonds or notes to an amount not exceeding one hundred thousand dollars. Such bonds or notes shall bear on their face the words, Town of Warren Water Loan, Act of 1915; shall be payable by such annual payments, beginning not more than one year after their respective dates, as will extinguish each loan within thirty years from its date; but the amount of such annual payment of any loan in any year shall not be less than the amount of the principal of said loan payable in any subsequent year. Each authorized issue of bonds or notes shall constitute a separate loan. Said bonds or notes shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell the said securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value and

Town of
Warren Water
Loan, Act of
1915.

the proceeds shall be used only for the purposes herein specified.

Payment of
loan.

SECTION 6. Said town shall, at the time of authorizing said loan, provide for the payment thereof in accordance with the provisions of section five of this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Penalty.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

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

SECTION 8. Said town shall, after its acceptance of this act, at the same meeting at which the act is accepted, or at a subsequent 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. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as the 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 the town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the

Quorum.

Vacancy.

selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner provided herein.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

To fix water rates, etc.

SECTION 10. This act shall take effect upon its acceptance by a majority of the legal voters of the town of Warren present and voting thereon by ballot at a legal meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three, and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Act to be submitted to voters, etc.

Approved April 12, 1915.

[1915, 262, Spec.]

AN ACT RELATIVE TO THE LOCATION OF UNDERGROUND ELECTRICAL WIRES, CABLES, CONDUCTORS AND CONDUITS IN THE CITY OF BOSTON.

Chap. 268

Be it enacted, etc., as follows:

SECTION 1. The commissioner of wires of the city of Boston shall have exclusive authority to grant to persons, firms or corporations duly authorized by law to lay or erect and maintain, and lawfully maintaining, wires in the streets of said city, locations for underground wires, cables, conductors and conduits, in the manner provided by chapter four hundred and fifty-four of the acts of the year eighteen

Location of underground electrical wires, cables, etc., in Boston.