

shall be:— Be it enacted by the People, and by their authority.

Secretary of the commonwealth to insert enacting clause in engrossing bills, etc.

SECTION 2. The secretary of the commonwealth, in engrossing bills for which initiative petitions are completed, as provided in section nineteen of chapter three of the Revised Laws, as amended by section one of chapter one hundred and seventy of the acts of nineteen hundred and twelve, and by section one of chapter three hundred and sixty-four of the General Acts of nineteen hundred and nineteen, shall insert therein the enacting clause prescribed by section one, in substitution for that prescribed by Article VIII of Chapter VI of Part the Second of the constitution of the commonwealth or for any other style of enactment.

Approved April 30, 1920.

Chap.389 AN ACT TO AUTHORIZE THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT THE WEST ROXBURY PARKWAY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Metropolitan district commission may construct West Roxbury parkway in Boston.

SECTION 1. The metropolitan district commission is hereby authorized and directed to lay out and construct, over land transferred to the care and control of said commission by chapter two hundred and seventy of the General Acts of nineteen hundred and fifteen, and known as the West Roxbury parkway, in the city of Boston, such roads as the commission may deem most advisable for facilitating public travel between Centre street and Washington street, near Stony Brook reservation. For this purpose the commission may expend a sum not exceeding seventy-five thousand dollars.

Time of taking effect.

SECTION 2. This act shall not take effect until an appropriation has been made sufficient to cover the expenditure authorized by it.

Approved April 30, 1920.

Chap.390 AN ACT TO ESTABLISH THE WARREN WATER DISTRICT.

Be it enacted, etc., as follows:

Warren Water District established.

SECTION 1. The inhabitants of the town of Warren, liable to taxation therein, and residing within the territory comprised within the following boundary lines, to wit:— Starting at the intersection of the northwesterly line of Main street and the northerly line of property of Jane Rice, approximately eleven hundred feet northerly from the junc-

tion of Main street and Burbank avenue, and running westerly to the northerly corner of the Perkins Machine Company lot, at its junction with the southeasterly line of the Boston and Albany Railroad Company; thence running westerly to the intersection with the northwesterly line of Quaboag street four hundred feet northerly from the range of the north side of the house of R. G. MacIntyre at its intersection with said northwesterly line of Quaboag street; thence running southwestly to the southwestly corner of property of I. E. Moore at its intersection with north line of Richardson street, and continuing upon the same course to its intersection with the central line of West Main street; thence running southwestly to a point on the center line of Reed street four hundred feet measured on said center line of Reed street from its intersection with the center line of Bridge street; thence running easterly to a point across the lower end of Comin's pond to a point fifty feet at south of southerly corner of the mill of Charles Rice; thence running northeasterly to the southeasterly corner of land of S. Brasseau; thence running northerly to the intersection with first line above described at a point three hundred feet measured on said line from the center line of Washington street southeasterly; thence running by said first line to the point of beginning, substantially as shown on plan marked "Warren Water District, Scale 1" = 400, dated March 2, 1920, by Henry A. Symonds, Engineer.", shall constitute a water district, and are hereby made a body corporate by the name of the Warren Water District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, for assessing and raising taxes for payment of such services, and for defraying the necessary expenses of carrying on the business of said district.

Warren Water
District estab-
lished.

SECTION 2. Said district, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters or any part thereof of any stream or pond or any ground sources of supply, by bored or driven wells, in the town of Warren, with the water rights connected therewith, and may also take, or acquire by purchase or otherwise, and hold all rights of way, easements and lands in the town of Warren necessary for holding such waters or protecting the same from contamination, or for conveying the same to and through said district. No sources of water supply for domestic purposes, and no lands necessary for protecting the

May take cer-
tain waters,
lands, etc.

May construct
dams,
reservoirs, etc.

said waters as aforesaid, shall be taken or used under this act without the consent and approval of the department of public health, and 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 district may construct on the lands thus acquired proper dams, reservoirs, buildings, fixtures and other structures, and may do such other things as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct wells and reservoirs, and establish pumping works, 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 any highway or other way in the town of Warren, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying and maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said district may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least possible hindrance to public travel; but all things done upon such ways shall be subject to the direction of the selectmen of the town of Warren and said district shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except in 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 department of public utilities. The title to all land acquired under the provisions of this act shall vest in said Warren Water District, and the said land shall 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 said district.

Requirements
to enter upon
railroad loca-
tion.

Description of
lands, etc.,
taken to be
recorded.

SECTION 3. Said Warren Water District shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for Worcester county, a description thereof sufficiently specific for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said Warren Water District shall pay all damages to property sustained by any person or corporation by the taking of any water, water source, water right, land,

right of way or easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with said district as to the amount thereof, may have the damages assessed and determined in the manner provided by law in the case of land taken for highways, on application therefor at any time within two years after the taking of such land or other property, or the doing of other injury under authority of this act. No application for assessment of damages shall be made for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act, whereupon the said period of two years shall begin to run.

SECTION 5. The said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds or notes to an amount not exceeding two hundred thousand dollars. Such bonds or notes shall bear on their face the words, Warren Water District Water Loan, Act of 1920, shall be payable at the expiration of periods not exceeding thirty years from the respective dates of issue, shall bear such rates of interest as the treasurer and commissioners may determine, and shall be signed by the treasurer of the district and countersigned by the water commissioners hereinafter provided for. The district may sell the securities at public or private sale, upon such terms and conditions as it may deem proper, but not for less than their par value, and the proceeds, except premiums, shall be used only for the purposes herein specified.

May issue bonds, etc.

Warren Water District Water Loan, Act of 1920.

SECTION 6. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section five of chapter eighty-five of the General Acts of nineteen hundred and fifteen and all acts in amendment thereof and in addition thereto, in such a manner that any loan issued under authority of this act shall be paid within the period specified in section five; 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 by said district, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed on said district by the assessors of the town, annually thereafter, in

Payment of loan.

the same manner as other taxes, until the debt incurred by said loan or loans is extinguished.

Assessment and collection of taxes.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Warren who shall assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector who shall collect the tax in the manner provided for the collection of town taxes, and shall deposit the proceeds with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the same manner in which interest is authorized to be collected on town taxes.

May make certain contracts, etc.

SECTION 8. Said commissioners may make such contracts with individuals, corporations, and the town of Warren for supplying water as may be agreed upon, and may extend its pipes for that purpose, under the direction of the selectmen of the town of Warren, through the streets and highways of said town lying outside the corporate limits of said district. Said district may fix and collect rates for the use of such water and may discontinue or shut off the water for the non-payment thereof, and for violation of the terms of any contract made in accordance with this section.

First meeting, how called, etc.

SECTION 9. The first meeting of said district shall be called on petition of ten or more qualified voters therein, by a warrant from the selectmen of the town of Warren, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the qualified voters in said district, and if it shall be accepted by a majority vote of the said voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Board of water commissioners, election, powers, etc.

SECTION 10. The Warren Water District 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 district meeting, to constitute a board of

water commissioners; and at every annual district meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district 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 district may impose by its vote. Said commissioners shall appoint a treasurer of said district, who shall not be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners; and a majority of the 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 water district at any legal meeting called for the purpose. No money shall be drawn from the district treasury, except by a written order of said commissioners or a majority of them.

Treasurer.

Vacancies, etc.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and, upon the application of ten or more qualified voters in the district, meetings may also be called by warrant as provided in section nine. Said district may also make rules and regulations for the management of its water works, not inconsistent with this act or with the laws of this commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

Meetings.

Rules and regulations.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding six months.

Penalty for polluting water, etc.

SECTION 13. 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

To fix water rates, etc.

Net surplus, how used.

providing for the aforesaid charges, it shall be used for such new construction or reconstruction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction or reconstruction 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 district appropriates and provides money therefor. Said commissioners shall annually, in writing, and as often as the district 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.

Annual report.

To be submitted to voters, etc.

SECTION 14. This act shall take effect upon its acceptance by a majority vote of the qualified voters of said district present and voting thereon by ballot at any legal district meeting called for the purpose within three years after the passage of this act, and may be voted on at as many meetings as may be called: *provided, however*, that not more than three meetings shall be called for the purpose of voting upon such acceptance in any one year. For the purpose of being submitted to the voters as aforesaid, the act shall take effect upon its passage.

Proviso.

Repeal.

SECTION 15. Chapter two hundred and sixty-seven of the Special Acts of nineteen hundred and fifteen is hereby repealed.
Approved April 30, 1920.

Chap. 391 AN ACT TO AUTHORIZE THE TOWN OF TOWNSEND TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Town of Townsend may supply itself and its inhabitants with water.

SECTION 1. The town of Townsend 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, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid therefor.

May take, etc., waters, lands, etc.

SECTION 2. Said town, for the purposes aforesaid, may lease, 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