

more than fifty dollars or by imprisonment in the house of correction for three months.

Penalty for violation of law.

SECTION 3. Whoever, not being a manufacturer or jobber of drugs, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, registered nurse or an employee of an incorporated hospital, or otherwise entitled by law to have possession of any of the above mentioned drugs, is found in possession thereof, except by reason of a physician's prescription, shall be punished by a fine of not more than one hundred dollars or by imprisonment for six months in the house of correction.

Approved April 29, 1911.

Chap. 373 AN ACT TO AUTHORIZE THE TOWN OF WEST BROOKFIELD TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

The town of West Brookfield may supply itself with water, etc.

SECTION 1. The town of West Brookfield 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.

May take water from certain ponds and streams.

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, taken by means of driven, artesian or other wells, within the limits of the town of West Brookfield, 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, holding, purifying and preserving the purity of the water, and for conveying the same to any part of said town: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of such water shall be taken or used without first obtaining the advice and approval of the state board of health, and that the situation 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 board. Said town may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and make excavations, procure and operate machinery and provide such other means and

Proviso.

May construct dams, etc.

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 or over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of West Brookfield, 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 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 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 board of railroad commissioners.

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, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, 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 taken or acquired in any way under the provisions of this act shall vest in the town of West Brookfield, 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 interest of said town.

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

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by anything done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with said 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

Damages.

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 or water right, or for any injury thereto, until the water is actually withdrawn or diverted by said 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 the town shall be further liable only for the additional damages caused by such additional taking.

Town of
West Brook-
field Water
Loan, Act of
1911.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding thirty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of West Brookfield Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; 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. Said town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper: *provided*, that the securities shall not be sold for less than their par value.

Proviso.

Payment of
loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of said bonds, notes or scrip, as will extinguish the same within the time prescribed by 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, notes or scrip issued as aforesaid by said town, 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 in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

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 said 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.

Penalty for pollution, etc., of water.

SECTION 8. Said town 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 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 selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner herein provided for.

Water commissioners, election, term, etc.

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, notes or scrip 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

Water rates, etc.

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.

Time of
taking effect.

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of West Brookfield present and voting thereon at a legal meeting called for the purpose within three years after its passage; but it shall become void unless the town of West Brookfield shall begin to distribute water to consumers in said town within three years after the date of the acceptance of this act as aforesaid. For the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved April 29, 1911.

Chap.374 AN ACT RELATIVE TO THE TAKING OF FISH IN LYNN HARBOR.

Be it enacted, etc., as follows:

Taking of
fish in Lynn
harbor.

SECTION 1. It shall be unlawful to take fish by the use of sweep nets or seines in the waters of Lynn harbor between the Point of Pines in the town of Revere and Bass Point in the town of Nahant, except that between the first day of October and the first day of January following fish may be so taken: *provided*, that a permit therefor is first obtained from the harbor master of the city of Lynn.

Proviso.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not more than one hundred dollars for each offence.

Approved April 29, 1911.

Chap.375 AN ACT RELATIVE TO THE CERTIFICATION BY THE BOARD OF EDUCATION OF HIGH SCHOOL TEACHERS IN STATE-AIDED HIGH SCHOOLS.

Be it enacted, etc., as follows:

Certification
of certain
high school
teachers, etc.

SECTION 1. After July first, nineteen hundred and twelve, no person shall be eligible to teach in a high school aided directly by the commonwealth, as provided in chapter two hundred of the acts of the year nineteen hundred and six, as amended by chapter four hundred and twenty-seven of the acts of the year nineteen hundred and eight, who does not hold a high school teacher's certificate issued by the board of education, in accordance with section two hereof.