

county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

SECTION 19. This act shall take effect upon its passage, but shall become void unless work hereunder is commenced within three years from the date of its passage.

When to take effect.

Approved June 5, 1895.

AN ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Chap. 488

Be it enacted, etc., as follows:

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three water commissioners, who shall constitute the Metropolitan Water Board. Said commissioners shall hold office, one for the term of five years, one for the term of four years and one for the term of three years, beginning with the first Monday in May in the year eighteen hundred and ninety-five; and in the year eighteen hundred and ninety-eight, and annually thereafter, the governor shall appoint, as aforesaid, one member of said board to hold office for the term of three years, beginning with the first Monday in May in the year of his appointment. The governor, with the consent of the council, may remove any member of said board, and may appoint for the residue of the term, in the same manner in which the original appointment was made, a commissioner to fill any vacancy occurring by removal, resignation or otherwise. One of said commissioners shall be always a citizen of Boston, one shall be always a citizen of one of the other cities or towns in the water district hereinafter described, and one shall be always a citizen of this Commonwealth. The chairman of said board shall

Metropolitan Water Board, appointment, term, etc.

Compensation.

receive a salary of five thousand dollars a year, and the other members a salary of four thousand five hundred dollars a year.

Chairman,
appointment of
engineer,
officers, etc.

SECTION 2. The governor shall, as soon as may be after the appointment of said board, and annually thereafter on or before the first Monday of May, designate one of their number to serve as chairman for the ensuing year; said board shall from time to time appoint an engineer, secretary, and such other agents, officers, clerks and other employes as said board may deem necessary, shall determine the duties and compensation of such appointees, and may remove the same at pleasure, and may employ counsel; shall at all times keep full, accurate and separate accounts of the doings, receipts, expenditures, disbursements, assets and liabilities of said board, and include an abstract of the same in an annual report to the general court on or before the first Wednesday in January in each year, such report to be numbered as one of the series of public documents; and four thousand five hundred copies thereof to be printed annually.

Accounts,
annual report.

To construct,
etc., a system of
metropolitan
water works.

SECTION 3. Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit:— The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making

Metropolitan
Water District.

Purity of water,
admission of
certain cities
and towns into
water district,
etc.

such payment of money as said board may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pressure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

Distribution of payments of money, furnishing of water, etc.

May produce and transmit power or electricity, etc.

SECTION 4. Said board may take, by purchase or otherwise, the waters of the south branch of the Nashua river, at and above a point above the dam of the Lancaster Mills in the town of Clinton, but shall allow not less than twelve million gallons of water to flow from a reservoir above said dam in each week, and such further quantity, not exceeding twelve million gallons a week, as the owner of said mills shall from time to time certify to be necessary for use therein and in other buildings now or hereafter owned by him, for domestic and manufacturing purposes, other than the production of water power, and said board, in regulating the flow of said quantities, shall, as far as practicable, conform to any reasonable request in writing of the owner of said mills; said board may also take the waters of Sandy pond, so-called, in the town of Clinton, and the waters which may flow into and from said pond or river, and the tributaries thereof above said point; may take such water rights as they deem necessary connected with said waters; said board shall forthwith, after taking the waters of said Nashua river, take by purchase

May take and regulate the flow of certain waters, etc.

May take certain lands, property, etc.

or otherwise all real estate which will be submerged or flooded, or submerged to an increased depth, by the construction of the proposed reservoir on the Nashua river hereinafter provided for, and all parcels of real estate above the dam of said reservoir used for mill purposes and owned by the owner of any mill property of which any part will be submerged or flooded by the construction of said reservoir, including all the machinery used on such real estate and tenements for operatives; shall, on or before the first day of January in the year eighteen hundred and ninety-eight, take all the lands and all the ponds, basins, reservoirs, filter beds, dams, aqueducts, conduits, pumping stations, pipes, pumps and other property held by the city of Boston for the purpose of supplying water or for the purpose of storing or of protecting or preserving the purity of the water, and situated westward of Chestnut Hill reservoir in said city and westward of the intersections of the main pipes to be laid from Chestnut Hill reservoir to Spot pond, with the main pipes which convey water from the Mystic distributing reservoir; also the pumping station at Chestnut Hill reservoir and lands under and surrounding the same, and the pipes and aqueduct leading thereto; also Spot pond, so-called, in or near the town of Stoneham, and the lands under and surrounding the same, now owned by the cities of Malden and Medford and the town of Melrose, or either of them, held for the purpose of water supply or of protecting or preserving the purity of the water, and the pumping stations and pumps thereon; any or all of the aforesaid lands to be taken in fee or otherwise, as said board may determine. Said board may take any other lands in fee, easements, rights and other property that said board may deem necessary or desirable for carrying out the powers and duties conferred upon them by this act.

May take certain other property.

Description of property to be recorded, etc.

SECTION 5. Said board, to take any property by right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated, a statement containing a description thereof, as certain as is required in a common conveyance of land, and stating that the same is taken for the metropolitan water works; and upon such recording the ponds, works, lands, waters, easements, rights and other property described in said description shall be taken for the Commonwealth. Said board, upon

entering upon any land for the purpose of using the same for carrying out any of the purposes of this act, shall sign and cause to be recorded in the registry aforesaid a statement containing a general description of the land and the purposes for which it is to be used, and the probable time for which the same is to be used, and after they have taken any property under the right of eminent domain shall notify the owner thereof, and on the request of the owner within three years after such taking shall, within thirty days after such request, furnish him with a plan or description in writing, of his land or other property so taken.

SECTION 6. Said board shall forthwith, after taking the waters of said Nashua river, construct a storage reservoir upon said Nashua river above said dam of the Lancaster Mills; shall forthwith construct the reservoir in Southborough already partially constructed by the city of Boston, and the dams thereof, and assume and carry out the agreement made by said city with the town of Southborough, and all contracts made by said city relating to the building of said reservoir; may construct other reservoirs, and may raise the level of any pond or reservoir under their charge. Said board may, as they deem desirable in constructing, or raising the level of, any pond or reservoir, raise or alter or discontinue parts of any railroad or public ways, and in case of a railroad shall make such raisings or alterations of the railroad, or construct upon existing or other locations, parts of the railroad to take the place of the parts so discontinued, as, and in such manner as, shall be mutually agreed upon by said water board and the board of directors of the railroad company; and if they cannot agree thereon then as, and in such manner as, shall be determined on the application of either party, in writing, by the board of railroad commissioners of this Commonwealth, who are hereby authorized and directed to adjudicate finally upon the same; and if said water board shall be of the opinion that the making of any such change of grade, alteration or construction requires that lands be taken therefor, said board shall, in the name of the Commonwealth, take such lands and convey the same to the railroad company to be thereafter held and used as the board of directors of such company may determine, and the railroad company may if it desires locate its lines over any lands so conveyed to it, and when

To construct storage reservoirs, etc.

May raise, alter or discontinue parts of railroads or public ways, etc.

May take and convey certain lands, etc.

Railroad companies may discontinue operation of certain portions of existing lines, etc.

said new lines of railroad are completed the railroad company may discontinue the operation of the portions of its existing lines for which the new lines are substituted, and may maintain and operate said new lines of railroad; and said water board shall build the dam of any pond or reservoir constructed, or whose level is raised, as aforesaid, and make the raisings or alterations of the public ways as aforesaid, and build in place of the parts of public ways discontinued, as aforesaid, such other reasonable and suitable ways, which shall thereafter be highways, as, and in such manner as, shall be mutually agreed upon by said water board and the county commissioners of the county in which such dam is to be built; or if they cannot agree thereon then as, and in such manner as, shall be determined on the application of said board, in writing, by the highway commission of this Commonwealth, which commission is hereby authorized and directed to adjudicate finally upon the same. Said water board, in flooding or otherwise affecting any burial ground, shall conform to any reasonable requirements relating thereto of the board of health of the city or town in which the same is situated.

Flooding or otherwise affecting burial grounds.

To connect pumping station at Chestnut Hill reservoir with certain main water pipes, etc.

SECTION 7. Said water board shall forthwith lay pipes to connect the pumping station at Chestnut Hill reservoir with the main water pipes through which water is now supplied to the cities of Somerville, Chelsea and Everett, and the Charlestown district of the city of Boston, and with Spot pond, and on the first day of January in the year eighteen hundred and ninety-eight the contracts of the city of Boston with the cities of Somerville, Chelsea and Everett, described in, and confirmed by, chapter three hundred and fifty-one of the acts of the year eighteen hundred and eighty-six, for a supply of water, shall be cancelled. Said board shall also forthwith, after taking the waters of Nashua river as aforesaid, connect said river with the tributaries of said reservoir in Southborough.

Delivery of water for use in Lancaster Mills.

SECTION 8. Said board, until they shall have completed the dam of said proposed reservoir on the Nashua river, and rebuilt the dam of said Lancaster Mills, shall, unless otherwise agreed by said board and the owner of said mills, deliver each week day at, and at the level of, the present top of the dam of said mills at least one million gallons of the water of said river, unpolluted by any acts or doings of said board, conforming in the de-

livery of said quantity, so far as practicable, to any reasonable request in writing of the owner of said mills.

SECTION 9. Said board in carrying out the powers and duties hereinbefore conferred upon them may construct and maintain buildings, machinery, roads, conduits and aqueducts; may lay and maintain pipes, drains and wires; may alter or change the grades or directions of any water course; may carry and conduct any aqueduct, conduit, pipe, drain or wire under or over any water course, or any railroad, street or other way, in such a manner as not unnecessarily to obstruct or impede travel thereon; may dig up any such road, street or way, and lay, maintain and repair aqueducts, conduits, pipes, wires and other works beneath the surface thereof, conforming to any reasonable regulations made by the mayor and aldermen of cities and the selectmen of towns, respectively, wherein such works are performed, and restoring, so far as practicable, any such road, street or way, to as good order and condition as the same was in when such digging was commenced; said board may enter upon and use the lands of others; may take down dams to such an extent as they may deem necessary for prosecuting their works, and shall rebuild such dams whenever the necessity for keeping them down ceases; shall use such lands and do all work relating to such dams, in a reasonable manner with regard to the interests of the owners thereof, and, so far as practicable, shall heed all reasonable requests made by such owners; and in general may do any other act or thing necessary or proper for carrying out the powers and duties conferred upon them by this act.

May construct buildings, lay pipes, etc.

May enter upon and use certain lands, etc.

SECTION 10. Said board, on or before the first day of January in the year eighteen hundred and ninety-eight, shall commence the operation of the works taken by them from the city of Boston, and shall thereafter keep the same and all water works constructed by them, and all bridges which they may build across said reservoir upon the Nashua river, and (until they abandon the same by notice in writing to said city) said Chestnut Hill reservoir, safe, and shall have charge of, use, maintain and operate the same, and the Commonwealth shall exclusively be responsible for all damages caused thereby or by any defect or want of repair therein; said board shall have the exclusive right and control over all ponds and reservoirs used by them in supplying water, and may order all persons to keep from

Operation of works taken from city of Boston, etc.

entering in, upon or over, the waters thereof and the lands of the Commonwealth, city or town, surrounding the same; may inspect the water works and fixtures in any city or town supplied wholly or in part from the works under their charge, and may take all proper measures to determine the amount of water used and wasted and to prevent the improper use or waste of water.

Storing or
pumping of
water, purchase
of property, etc.

SECTION 11. Said board and any city, town or water company aforesaid, may agree with each other for the storing or pumping of water, or the furnishing of the same as aforesaid by either party to any city, town or company; and any such city, town or company may sell to said board, and said board may purchase any property of such city, town or company, whether taken by eminent domain or otherwise, that said board may deem desirable for use in furnishing, as aforesaid, water to any city, town or water company; and said board may sell at public or private sale any property, real or personal, whether taken by eminent domain or otherwise, no longer needed for the water works under their charge, or may from time to time lease any property not then so needed. The proceeds from the operations of said board shall be paid into the treasury of the Commonwealth.

Board to incur
expenses neces-
sary in con-
structing, etc.,
water works,
etc.

SECTION 12. Said board shall incur such expenses as they deem necessary in constructing, operating and maintaining the water works under their charge; may agree with the party injured, upon the damages sustained by any city or town by the taking or use of its lands, ponds, reservoirs, water sources, aqueducts or other property, or the cancellation of contracts, as aforesaid: the damages sustained by the town of Clinton by any interference with its sewerage system or with its drainage rights or privileges; the damages sustained by any person or railroad or other corporation in property by any taking of property or by any change of grade, alteration or discontinuance of any railroad or public way, or by the construction or maintenance of any reservoir or other work, or by the interference with the use of any water, or by any other act or thing done by said board under this act; shall save harmless the several cities and towns within which any road, street or way is dug up as aforesaid, against all damages for injuries resulting from a defect or want of repair in any road, street or way, caused by such digging up, or by constructing, laying, maintaining or repairing any aqueduct,

conduit, pipe, wire or other works therein, and shall furnish without charge to all towns within which any work is done under authority of this act such additional police protection as may be necessary in consequence thereof: *provided*, said board shall have due and reasonable notice of the claims for such damages and opportunity to make a legal defence thereto.

Proviso.

SECTION 13. Said board, city, town, person or corporation, if they cannot agree upon any damages, sustained as aforesaid, may, except in the cases in which payment is otherwise provided for in this act, within two years after the day of the taking of any land, water, easements or other property, or of the use of any property, or of the making of any change of grade, alteration, discontinuance, or location of a way or railroad, or of the doing of any other act or thing causing the damage, file in the office of the clerk of the superior court for the county in which the property taken, used or affected in value by such taking or other act of said board is situated, a petition, signed by the petitioner or the attorney of the petitioner, for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages so sustained shall be determined by a jury in said court, in the same manner as damages for lands taken for highways are determined. In determining any damages caused by any change of grade or discontinuance of a public way or railroad, or the substitution of a part of a public way or railroad for another part, there shall be taken into account any benefit to the party injured received from this act and anything done thereunder. Interest shall be included in such damages from the date of the taking, or the doing of the act or thing causing the damages, and costs shall be taxed and execution issued as in civil cases, against the Commonwealth in case the petitioner prevails, and against the petitioner in case he does not prevail. Damages for the temporary use of or injury to property may, on the request of the petitioner, be assessed by monthly payments, to be continued so long as the property is used.

Damages to be determined by a jury in certain cases, etc.

Benefit to be taken into account in determining damages, etc.

SECTION 14. Said board, upon the application of the owner of any real estate taken for said proposed reservoir upon the Nashua river, or the owner of any real estate entered upon and used, or of any real estate injured by the taking of the waters of said Nashua river, whether said

Board may agree with owners of certain real estate as to damages, etc.

real estate is within or without the Commonwealth, or of any real estate not taken but directly or indirectly decreased in value by this act or the doings of said board thereunder, situated in the town of West Boylston or in that part of the town of Boylston on the northerly side of said proposed reservoir, or in that part of the town of Clinton on either side of River or Grove streets, between the dam of said proposed reservoir and a line drawn from the northerly corner of Oak and Boylston streets to the northerly corner of said Grove and Nashua streets, and not owned on the first day of April in the year eighteen hundred and ninety-five, by the owner of the Lancaster Mills, may agree with such owner upon the damages to be paid for such taking, injury or decrease in value, and if said board and the owner of any such real estate cannot agree upon such damages, such owner may, within two years after the first taking of water, or of land for said reservoir, under the right of eminent domain, file in the clerk's office of the supreme judicial court for the county of Worcester, in term time or vacation, a petition for the determination of such damages, and thereupon said court, after notice by publication in some newspaper published in the county of Worcester, and in such other manner as the court may order, that all persons entitled to file such petitions will be heard by said court on a day therein named, and a hearing thereon; shall from time to time appoint one or more commissions, each consisting of three disinterested persons, and may after notice and hearing fill any vacancy occurring in any such commission until all petitions referred to it have been heard and determined. Each of said commissions shall, after notice and hearing, determine the damages specified in all such petitions as may be filed as aforesaid and referred to it by said court; and if the owner of any such real estate, no part of which is taken but which is decreased in value, shall in the petition aforesaid signify his willingness to surrender the real estate, or if there is a mill thereon, the real estate and machinery thereon, to the Commonwealth, the commission shall also determine the value of such real estate, or real estate and machinery, and interest may be included in such damages and in such value at such rate and for such time as the commission may deem just and equitable. Said commissions shall determine the damage to and value of real estate, machinery and business, and from time to time report their determinations on

In case of disagreement damages may be determined by commissions.

If owner signifies willingness to surrender certain real estate, etc., commission to determine value, etc.

the petitions of such owners to said court. In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston, whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business is decreased in value by the carrying out of this act, whether by loss of custom or otherwise, and unable to agree with said board as to the amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided. The words "real estate" as used in this section shall include water rights, and in the case of mills all machinery thereon.

Damage to certain established business in West Boylston, how determined in case of disagreement.

Certain words defined.

SECTION 15. Said board shall, upon agreeing upon any damages, or upon the acceptance by said court of any determination specified in the preceding section, notify the owner that they will pay the damages, or, in case the petitioner offers to make surrender, if they so prefer, they will pay the value so agreed upon or determined, and if any such owner shall in accordance with such notice and within one year after being so notified, deliver a release of such damages or a deed of the real estate, to and satisfactory to, said water board, said water board shall certify to the treasurer of the Commonwealth the amount to be paid such owner, and said treasurer shall pay the same from the proceeds of the bonds hereinafter provided for. Said water board, or any persons whose property is taken under the right of eminent domain, or entered upon or injured by the taking of said water, if dissatisfied with any determination of damages made by any commission, may at the term on which such determination is filed in court, or at the succeeding term, claim a trial by jury to determine such damages, and thereupon the damages shall be determined by a jury in said supreme judicial court as provided in section thirteen of this act.

Payment of damages, etc.

Damages may be determined by a jury in certain cases.

SECTION 16. The treasurer of the Commonwealth shall, from the proceeds of the bonds hereinafter provided for, reimburse the city of Boston for all moneys paid or that may hereafter be paid by said city for land damages, or otherwise, in connection with the location, building or maintenance of reservoirs or basins not yet built, or for lands taken for the preservation or protection of the purity

City of Boston to be reimbursed and certain sums to be paid to towns of Boylston and West Boylston.

of the waters of any reservoirs, or basins or of the tributaries thereof, and shall pay as part of the expenses of said metropolitan water works to the town of Boylston the sum of two thousand dollars a year and to the town of West Boylston the sum of twelve thousand dollars a year for the year of and each year succeeding said taking of the waters of said Nashua river, so long as each of said towns remains a municipality, and shall pay no tax or other payment to either of said towns on account of any property held by said water board for the purposes of a water supply.

Metropolitan
Water Loan.

SECTION 17. The treasurer and receiver general shall, from time to time, on the request of said board, issue negotiable bonds in the name and behalf of the Commonwealth, and under its seal, to an amount not exceeding twenty-seven million dollars, designated on the face thereof, Metropolitan Water Loan. Said bonds shall be deemed a pledge of the faith and credit of the Commonwealth, shall be countersigned by the governor; shall have the principal and interest made payable thereon, in gold coin of the United States of America or its equivalent; shall bear interest payable semi-annually on the first days of January and July of each year; shall be registered, or with interest coupons attached; shall be payable within such terms not less than thirty nor more than forty years, and shall bear such rates of interest not exceeding four per cent. per annum, and be issued and disposed of in such amounts and in such modes and at such times and prices as the treasurer and receiver general, with the approval of the governor, shall from time to time determine. Said treasurer shall, on issuing any of said bonds, establish a sinking fund and determine the amount to be paid thereto each year, sufficient with its accumulations to extinguish the debt at maturity.

Sinking fund.

Disposition of
proceeds from
sales of prop-
erty and bonds,
etc.

SECTION 18. Said treasurer shall apply the proceeds from the sales of property made as hereinbefore provided, and the proceeds from the sales of said bonds, exclusive of the amounts received from premiums, to the payments for the property taken by said board, the payment of the damages aforesaid, and the payment of the expenses of construction of said water works, and the other payments specified in this act, and shall apply any premiums received from sales of said bonds, any assessments hereinafter provided for paid by the cities and towns, and the pro-

ceeds from the operations of said board, exclusive of the proceeds from sales of property, to the payment of the interest, sinking fund requirements and expenses of maintenance and operation of said water works, and shall take the balance required for said payments, if any, from the proceeds of said bonds, and shall apply the surplus, if any, to the payment of said interest, sinking fund requirements and expenses, for the following year. Said treasurer shall advance to such person as shall have been designated by said water board and shall have given a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars, such sums, not exceeding ten thousand dollars at any time, as said auditor may certify to be necessary to enable said board to make direct payment upon the pay rolls and other accounts of said board, and such persons shall, as soon as may be after expending any sum so advanced, and in all cases within thirty days from the receipt of any such sum, file with the auditor a statement in detail of the moneys expended subsequent to the last previous accounting, approved by said water board, and where it is practicable to obtain them, also file receipts or other like vouchers of the persons to whom the payments have been made.

Certain sums to be advanced.

Statement of expenditures, etc., to be filed.

SECTION 19. Said treasurer shall in each year estimate the amount, in addition to the premiums from sales of said bonds and the proceeds from the operations of said board, exclusive of the proceeds from sales of property, required during the year to pay the interest, sinking fund requirements, expenses of maintenance and operation of said water works, and shall apportion to the city of Boston the proportion of such amount that the valuation of said city for the preceding year bears to the total of all such valuations of all cities and towns in said water district: *provided, however*, there shall be included only one sixth of the total valuation of any such city and town which has not reached the safe capacity of its present sources of supply in a dry year, as determined by said water board and certified to said treasurer, and has not made application to said board for water, and the remainder to the other cities and towns in said district, one third in proportion to their respective valuations and the remaining two thirds in proportion to their respective populations, including however only one sixth of the total

Treasurer to estimate amount required for payment of expenses, etc.

Proviso.

Provisos.

valuation and one sixth of the total population of any such city and town which has not reached the safe capacity of its sources or of the sources of supply of the water company by which a town is supplied, or has not made application for water as aforesaid; and *provided, further*, that any city or town assessed upon its full valuation and population, which furnishes a part of its water supply from its own works or receives a supply from a water company, shall be allowed and credited in its apportionment with a sum equal to twelve dollars for each million gallons of water furnished as aforesaid, as determined by said water board and certified to said treasurer, and *provided, further*, that no such amount shall be so apportioned until the year eighteen hundred and ninety-eight, and in said year only the amount of three hundred thousand dollars shall be apportioned, and the sums of money expended by the state board of health under chapter four hundred and fifty-nine of the acts of the year eighteen hundred and ninety-three and chapter four of the resolves of the year eighteen hundred and ninety-five, and in the succeeding years the said amount of three hundred thousand dollars and two hundred thousand dollars additional for each year thereafter shall be so apportioned until the entire amount required as aforesaid is reached, and thereafter such entire amount shall be so apportioned. Said treasurer shall in each year notify each city and town of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as part of its state tax.

Payment of assessments.

Charge and control of certain water sources, etc., in metropolitan water district.

SECTION 20. The water board, water commissioners or superintendent of any city or town in the metropolitan water district, shall for their respective cities or towns, on and after the first day of January in the year eighteen hundred and ninety-five, have the charge and control of the water sources, water and water works owned and used by said city or town and not taken or used by said metropolitan water board as herein provided. Said water board, water commissioners or superintendent shall distribute and control the use of the water so furnished, and apply meters and extend the pipes and other work as said water board, water commissioners or superintendent may deem expedient; shall keep the pipes, fixtures and other works under their charge in good condition and repair, but shall not expend in any year more than the amount

Distribution of water, etc.

appropriated by the city or town therefor. Said water board, water commissioners or superintendent, with the approval of the mayor or selectmen, shall determine the rate to be paid for water by the owner of the premises to which the water is furnished, or by the person or persons using the water: *provided, however,* that the minimum rates to be paid for water, and the premises to which the high service supply shall be furnished, shall be subject to the approval of said metropolitan water board. Any water board, water commissioner or superintendent as aforesaid shall for the water works under his charge do all the acts and things relating to buildings, machinery, roads, conduits, aqueducts, pipes and drains, which said metropolitan water board is authorized to do for the water works under their charge, and may take lands therefor, in fee or otherwise, and shall do all such acts and things and make all such takings in the manner in which said metropolitan water board are authorized to do similar things, and the damages sustained shall be recovered of, and paid by, the city or town for which such water board, water commissioners or superintendents are appointed or elected, in the same manner as damages caused by similar acts of said metropolitan water board are recovered of, and paid by, the Commonwealth.

Rate to be paid for water.

Proviso.

Powers and duties of certain officers, etc.

SECTION 21. The income received in each city or town from the water works under the charge of its water board, water commissioners or superintendent, shall be applied to the payment of the expenses of maintenance and operation incurred by said water board, water commissioners or superintendent; the interest and sinking fund requirements of all bonds, notes or scrip of the city or town issued on account of the water works of such city or town; the assessment of the city or town to be paid to the treasurer of the Commonwealth as hereinbefore provided; the expenses of the extension of the works; and the balance, if any, as the city or town may determine. If such income in any year shall not be sufficient for said payments the balance required therefor shall be raised by taxation or by loan, as the city or town may determine; and the city or town is hereby authorized to assess such taxes and make such loans without further authority from the legislature.

Payment of expenses, etc.

Certain sums to be raised by taxation, etc.

SECTION 22. The towns of Clinton, Sterling, Boylston, West Boylston, Lancaster, Holden, Rutland, Princeton, Paxton and Leicester, and the city of Worcester,

Taking of certain water by city of Worcester and certain towns.

may take from the south branch of the Nashua river, above the dam of the proposed reservoir on said river, so much of the water thereof as they have already been or may hereafter be authorized by the legislature to take, for supplying their inhabitants with water, and in case either of the towns of Lancaster, Holden, Rutland, Princeton, Paxton or Leicester, or the city of Worcester, shall so take water, it shall pay to the Commonwealth, to be paid into the sinking funds for said bonds, a fair proportion of the cost incurred by the Commonwealth for said water and for the construction, maintenance and operation of said works, the same to be determined by the engineer of said board and an engineer to be appointed by the city or town, and if they cannot agree, the proportion shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, and the report of such master made and accepted by said court shall be final and binding on all parties.

Use of water by certain cities, towns and water companies restricted, etc.

SECTION 23. No city or town, any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency, use, for domestic purposes water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legislature. If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company.

Sanitary protection of water, etc.

SECTION 24. The state board of health is hereby authorized and required to make rules and regulations for the sanitary protection of all waters used by the metropolitan water board for the water supply of any city, town or water company aforesaid, and to transfer and deliver to said water board, such plans, maps and other information in their possession as will assist said board in carrying out the provisions of this act.

Corruption or improper use of water, etc., prohibited.

SECTION 25. No person shall take or divert any water of a water supply of any city or town in said water district from any water source, reservoir, conduit or pipe used for

supplying such water to, or in any such city or town, or occupy, injure or interfere with any such water, or with any land, building, aqueduct, pipe, drain, conduit, hydrant, machinery or other work or property so used, and no person shall corrupt, render impure, waste or improperly use, any such water.

SECTION 26. The provisions of the preceding section shall not apply to any person in taking or diverting any such water or interfering with or occupying any water, land or works therein described, by permission of said metropolitan water board, or the water board, water commissioners or superintendent of any city or town having charge of the land, water or work; nor to the individual inhabitants of any city or town within the watershed of any water supply used by said metropolitan water board, or by any city or town aforesaid, in taking from the part of the supply or from the tributaries of the supply within their respective city or town limits so much of the water thereof as they shall need for their ordinary domestic household purposes, for extinguishing fires, or for generating steam.

Provisions of § 25 not to apply to certain taking or diverting of water, etc.

SECTION 27. Said metropolitan water board, and their employees designated for the purpose, shall enforce the provisions of this act, and of the rules, regulations and orders made thereunder, and may enter into any building, and upon any land for the purpose of ascertaining whether sources of pollution there exist, and whether the provisions of this act and of the rules, regulations and orders made as aforesaid are complied with; and, where the enforcement of any such provisions, rules, regulations or orders will require public works for the removal or purification of sewage, said metropolitan water board shall not enforce the same until they have provided such works, and the amount paid therefor shall be considered as part of the expenses of construction of the metropolitan water works, and such works shall be maintained and operated as a part of said water works.

Enforcement of provisions, etc.

SECTION 28. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall, in term time or vacation, on the petition of said board or any city, town, corporation or person interested, or of the attorney of any such petitioner, have jurisdiction in equity or otherwise to enforce the provisions of this act, and of any rule, regulation or order made under

Certain courts, etc., to have jurisdiction to enforce provisions, etc.

the authority of this act, and to prevent any violation of said provisions, rules, regulations or orders.

Penalties.

SECTION 29. Whoever shall do any of the acts herein prohibited, or shall violate or refuse to comply with any rule, regulation or order made under the authority of this act shall, on complaint or indictment therefor and conviction thereof, be punished for each offence by a fine not exceeding five hundred dollars, to be paid to the Commonwealth, or by imprisonment not exceeding one year in the house of correction, or by both such fine and imprisonment.

Certain general laws to apply.

SECTION 30. All general laws relating to the water supplies of cities and towns or the lands and other property used for such supplies shall, so far as they are not inconsistent with the provisions of this act, apply to and be observed in carrying out the purposes of this act.

Preference in employment to be given to citizens.

SECTION 31. In the construction of these works preference in employment shall be given to citizens of this Commonwealth.

SECTION 32. This act shall take effect upon its passage.

Approved June 5, 1895.

Chap. 489

AN ACT RELATIVE TO POLITICAL COMMITTEES AND CAUCUSES.

Be it enacted, etc., as follows:

Caucus act of 1895.

SECTION 1. This act shall be known and may be cited as the caucus act of eighteen hundred and ninety-five.

Certain terms defined.

SECTION 2. Terms used in this act relating to caucuses shall have application as hereinafter set forth, unless other meaning is clearly apparent from the language or context, or from manifest intent.

The term "political party", shall apply to a political party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the state for that office.

The term "elective office", shall apply to candidates for any office to be voted for at a state or municipal election. The term "caucus officers", shall apply to wardens, clerks, inspectors, chairmen, secretaries and tellers, and when on duty, to additional officers specially elected, or elected to fill a vacancy and taking part in the conduct of caucuses.

The term "caucus", and "political convention", shall apply only to such as shall be called and held in pursuance of this act.