

said company may deem necessary ; and may charter, purchase, or build one or more steamboats, and run the same to and from said Oak Bluffs. May charter or build steamboats.

SECTION 2. This act shall take effect upon its passage

*Approved April 2, 1870.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE SPOT POND WATER COMPANY.

*Chap. 160*

*Be it enacted, &c., as follows :*

SECTION 1. The purchase of the franchise, property, rights and privileges of the Spot Pond Water Company by the towns of Melrose, Malden and Medford, and the transfer and conveyance thereof by said corporation to said towns, is hereby ratified and confirmed ; and said towns may take and hold the waters of Spot Pond, so called, situated in the towns of Stoneham and Medford, and the waters which flow into and from the same, and may convey the same through the town of Stoneham, so far as may be necessary, and to, into and through the towns of Melrose, Malden and Medford. For this purpose, said towns may each construct an aqueduct, and any two, or all of them, if they so agree, may unite and jointly construct aqueducts, from the source above mentioned, through any part of the towns aforesaid, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said towns of Melrose, Malden and Medford by laying down pipes, and may each from time to time establish prices or rents for the supply or use of such water within its own limits ; and for this purpose shall, in addition to the rights already conferred upon said towns, and whether acting separately or in conjunction, have, exercise and enjoy all the powers, rights and authority conferred upon the Spot Pond Water Company by the act to which this act is in addition ; subject to the limitations, obligations and restrictions in said act contained, except as is herein otherwise provided, and except the limitations contained in the third section of said act. But in case two separate aqueducts shall be constructed from said pond,—one from the north-easterly side of the pond, through Melrose and Malden, and one from the southerly side of the pond to Medford,—said town of Medford shall lay down from its main a pipe of not less than eight inches in diameter, to the line of Malden, at the junction of Salem Street in said Medford and Pleasant Street in said Malden ; and said town of Malden shall lay down, from its main to the same point, a pipe of not less than eight inches in diameter, which two pipes shall there unite : *provided*, that in case it shall at any time appear to a commission appointed as provided in the

Purchase of Spot Pond Water Company by Melrose, Malden and Medford, confirmed and ratified.

Towns may construct aqueducts, reservoirs and hydrants.

—may establish prices for use of water.

Provisions in case two separate aqueducts are constructed.

Proviso.

fourth section of this act, that the supply of water to either of said towns is impaired by reason of such open connection, so that either town does not receive its full proportion of one-third of the water, said commission may make such orders as to closing such connection entirely or for a portion of the time, as may be required to secure to said town the supply and head of water unimpaired thereby.

Towns may take land by purchase or otherwise.

SECTION 2. Said towns, and each of them, may, for the purpose of this act, and the act to which this act is in addition, take by purchase or otherwise, and hold such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and such other works as may be necessary for the purity and preservation of said waters, and for collecting, conducting and distributing the same as herein provided.

—to file description of land taken in registry of deeds.

And within sixty days after the taking of any of the land aforesaid, said town or towns taking the same shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identifying the same. All claims for damages sustained by taking land, water or water-rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways, except that the complaint may be filed within three years after said taking. And the liability of said towns for taking such water or water-rights shall be joint and equal, and for other acts in which they or any two of them shall join as provided in the first section of this act, shall be joint on the part of the towns participating, and each town shall be severally liable for its separate acts.

Damages.

Melrose may issue scrip to amount of \$100,000.  
Malden, \$200,000.  
Medford, \$150,000.

SECTION 3. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as are taken, purchased or held for the purposes aforesaid, and of constructing works necessary and proper for the accomplishment of the purposes authorized by this act and by chapter two hundred and eight of the acts of the year eighteen hundred and sixty-seven, and paying all expenses incident thereto, each of said towns may issue from time to time, scrip, notes or certificates of debt: the town of Melrose, to an amount not exceeding one hundred thousand dollars; the town of Malden to an amount not exceeding two hundred thousand dollars, and the town of Medford to an amount not exceeding one hundred and fifty thousand dollars. Such scrip issued by the town of Melrose shall be denominated on its face, Melrose Water Fund Bonds; that issued by the town of Malden shall be denominated on its face, Malden Water

Fund Bonds, and that issued by the town of Medford shall be denominated Medford Water Fund Bonds. All such scrip shall bear interest, payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively; and each such town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as such town shall deem proper. And each of such towns is further authorized to make appropriations, and assess from time to time such amounts as it may from year to year decide, not exceeding in any one year prior to the year in which the bonds mature, the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 4. The general regulation and control of the waters in said pond, and of the letting down of the same, shall be exercised and administered by a joint board, composed of the officers or agents of each town, who shall, from time to time, be appointed by said towns, under authority of the provisions of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-seven and this act, in which board each town shall have an equal power and authority; and, in case said towns so acting cannot agree in respect to the manner of securing, from time to time, an equal share of the water of said pond to each town, the supreme judicial court, or any justice thereof, upon application of either town by their agents or officers appointed as aforesaid, shall appoint three commissioners to award and determine the method in which such supply shall be secured and the share of the expense thereof to be borne by each town, and this award, when confirmed by said court, shall be conclusive upon said towns.

Regulation and control to be exercised by joint board appointed by the towns.

If towns disagree, commissioners to be appointed by supreme judicial court.

SECTION 5. The acts and proceedings of the town of Melrose, at its town meetings, held on the twenty-fourth day of September, in the year eighteen hundred and sixty-nine, and on the seventh day of October, in the year eighteen hundred and sixty-nine; of the town of Malden, at its town meetings, held on the thirteenth day of September, in the year eighteen hundred and sixty-nine, and on the twenty-seventh day of September, in the year eighteen hundred and sixty-nine, and of the town of Medford, at its town meetings, held on the twentieth day of September, in the year eighteen hundred and sixty-nine, and on the twenty-eighth day of January, in the year eighteen hundred and seventy, and, by adjourn-

Doings at town meetings in Melrose, Malden and Medford confirmed and ratified.

ment, on the first day of February, and on the ninth day of February, each in said year of eighteen hundred and seventy, and the acts and doings of the officers and agents appointed at said meetings, or either of them, in pursuance of the authority then given them, and in execution of the purposes of this act and the act to which this act is in addition, so far as the same may appear to be invalid from any want of authority on the part of said towns, are hereby authorized, ratified and confirmed.

Commissioners now in office to serve until their successors are qualified.

SECTION 6. The commissioners already chosen by said towns, together with any successor chosen to fill a vacancy in the boards occasioned by resignation or otherwise, shall severally hold their office and exercise the powers conferred upon them by their respective towns, and the provisions of this act, and the act to which this is an addition, until their successors are regularly chosen and qualified. At the annual town meeting held in the year eighteen hundred and seventy-one there shall be elected in each of said towns, in the manner in which selectmen are by law required to be elected, a board of three water commissioners of the town, one of whom shall be elected to serve for the period of one, two and three years respectively. And annually, thereafter, there shall be elected in the same manner a number equal to the number whose term of service then expires. All such officers so chosen shall hold office until their successors are chosen and qualified in the manner required by law for selectmen of towns, and vacancies occurring in the board in any town shall be filled by the remaining member or members of the board and the selectmen of the town, in the manner now provided by law for filling vacancies occurring in the board of school committee of towns. The remaining member or members of the board shall in such case exercise the powers of the board till the vacancy is filled. The boards of water commissioners so chosen shall in each town have the general care and custody of the aqueduct and water-works of the town and the property connected therewith. They shall annually make a report to the town of their doings and the condition of the property under their control, with such recommendations as they shall judge the interests of the town require.

Board of three water commissioners to be chosen.

Vacancies, how filled.

Reports, &c.

Surplus income to be set apart as a sinking fund.

SECTION 7. The surplus of the net income derived from said water-works after payment of the semi-annual interest upon said scrip, and after deducting all charges of distribution and repairs, and other expenses incident to the same, and all amounts appropriated from time to time by said towns for the payment of the principal sum thereof, under the pro-

visions of this act, shall, in each town, be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment of said scrip of said town at maturity.

The rents received for the use of water shall, in the case of each town when collected, be paid over to the treasurer of the town, and all sums set apart as aforesaid, shall from time to time be invested and re-invested by him in the name of the town of Medford, town of Melrose, or town of Malden, as the case may be, in the scrip authorized by this act, at a price not exceeding its par value, or on such loans or in such securities as by law the funds of savings banks may be invested in, except that no portion of the same shall be loaned directly or indirectly to either of said towns, or upon mere personal security.

Water rents.

SECTION 8. The accounts of such sinking funds shall be kept apart from the other accounts of the town, and in each town shall at all times be open to the inspection of the water commissioners of said town. The treasurer of each town shall annually make a written report to the town, at its annual meeting, of the condition of the fund of the town, and the changes of investment during the then preceding year. The selectmen and water commissioners shall jointly, as often as once in each year, examine the accounts and securities of the fund, and shall report the result of their examination to the town, in connection with the report of the treasurer.

Sinking fund accounts to be kept separate from other town accounts.

Accounts and securities to be examined annually.

SECTION 9. This act shall take effect upon its passage.

*Approved April 2, 1870.*

AN ACT TO INCORPORATE THE BAY STATE MUTUAL LIFE INSURANCE COMPANY.

Chap. 161

*Be it enacted, &c., as follows:*

SECTION 1. John Cummings, Gerry W. Cochrane, Charles Choate, their associates and successors, are hereby made a corporation by the name of the Bay State Mutual Life Insurance Company, to be established and located in the city of Boston, for the purpose of making insurance on lives; with all the powers and privileges, and subject to the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

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

*Approved April 5, 1870.*