

AN ACT TO SUPPLY THE TOWN OF METHUEN WITH WATER.

*Chap. 331**Be it enacted, etc., as follows:*

SECTION 1. The town of Methuen may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes, and may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Methuen may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of any pond, stream, spring or wells within the limits of said town, and the water rights connected therewith; and obtain and take water by means of bored, driven, artesian or other wells, on any land within said town, and hold and convey said water through said town, and may also take and hold by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Methuen; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water-courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

Town may take waters of ponds springs, etc., within its limits

May construct and lay down conduits, pipes etc.

May dig up lands.

SECTION 3. The town shall, within sixty 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 within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which

To file in the registry of deeds a description of the lands, etc., taken.

the same were taken, signed by the water commissioners hereinafter provided for.

Damages to be paid by the town.

SECTION 4. The town shall pay all damages sustained by any person or corporation in property 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 the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. 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 said town under the authority of this act.

Application for damages not to be made until water is actually withdrawn.

Methuen Water Loan not to exceed \$150,000.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words Methuen Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper. The town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

May provide for payment of loan in annual proportionate payments.

SECTION 6. The said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate

payments as will extinguish the same within the time prescribed in this act, and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

The return required to state amount of sinking fund, etc.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise sufficient from income and taxes to pay interest, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilfully corrupting or diverting water.

SECTION 10. The said town shall, after its 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 a 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 board of water commissioners, who shall be subject however to such instructions,

Board of water commissioners to be elected.

To be trustees
of the sinking
fund.

rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town-meeting called for the purpose.

Subject to
acceptance by a
two thirds vote
within three
years.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at any legal town-meeting called for the purpose within three years from its passage; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots, and the polls shall be kept open at least four hours. At such meetings the selectmen shall preside, and in receiving said ballots the check-list shall be used in the same manner as it is used at elections of national, state and county officers.

Approved May 13, 1891.

Chap.332 AN ACT MAKING AN APPROPRIATION FOR THE STATE HOUSE LOAN SINKING FUND, 1901.

Be it enacted, etc., as follows:

Appropriation
for State House
Loan Sinking
Fund, 1901.

SECTION 1. The sum of seventy thousand and twelve dollars and twenty-three cents is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of establishing a sinking fund to be known as the State House Loan Sinking Fund, 1901, as authorized by chapter two hundred and twenty-four of the acts of the present year.

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

Approved May 13, 1891.

Chap.333 AN ACT TO REGULATE THE SALE OF CANDY SHELLS INCLOSING LIQUID CONTAINING ALCOHOL.

Be it enacted, etc., as follows:

Sale of candy
containing alco-
hol regulated.

SECTION 1. No person shall sell to any child under sixteen years of age any candy or other article, inclosing liquid or syrup containing more than one per centum of alcohol.

Penalty.

SECTION 2. All persons violating the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars. *Approved May 13, 1891.*