

along and over said bridge and along and over Neponset avenue to Minot Street in said city of Boston.

SECTION 4. Said Quincy and Boston Street Railway Company shall not in said towns of Weymouth and Milton and in the city of Boston, locate or construct its road or tracks at grade across the location or tracks of any steam railroad company, without the consent of the board of railroad commissioners.

Railway not to cross any steam railroad at grade without consent of the railroad commissioners.

SECTION 5. Said Quincy and Boston Street Railway Company, respecting the railway hereby authorized to be constructed and maintained, shall have all the powers and privileges and shall be subject to all the duties, liabilities or restrictions set forth in the general laws relating to street railway companies.

Powers and duties, etc.

SECTION 6. The provisions of sections one, three and four of this act shall become void, so far as relates to the rights of said Quincy and Boston Street Railway Company in either of said towns or the city of Boston, in which said Quincy and Boston Street Railway Company shall have failed to commence the construction or operation of its railway prior to the thirty-first day of December in the year eighteen hundred and ninety-four.

Construction, etc., to be commenced prior to Dec. 31, 1894.

SECTION 7. This act shall take effect upon its passage.

Approved May 17, 1892.

AN ACT TO INCORPORATE THE METHUEN WATER COMPANY.

Chap. 310

Be it enacted, etc., as follows :

SECTION 1. Charles H. Tenney, William R. Rowell, Daniel W. Tenney, Charles W. Mann, George W. Tenney and J. Milton Tenney, their associates and successors, are hereby made a corporation by the name of the Methuen Water Company, for the purpose of supplying the inhabitants of Methuen with water for the extinguishment of fires and for domestic, manufacturing and all other purposes ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Methuen Water Company incorporated.

SECTION 2. The said corporation, for the purposes aforesaid, may lease, take, acquire by purchase or otherwise, and hold, the waters of any pond, stream, well or spring within the limits of said town of Methuen or any other waters at any point in said Methuen, and all the water rights connected therewith ; and obtain and take

May take water, etc., within the limits of the town.

May erect dams, make excavations, etc.

May construct and lay down conduits, etc.

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

Payment for damages.

water by means of bored, driven, artesian or other wells, on any land within the limits of said town of Methuen, 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; 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 ways 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 corporation 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.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the northern district of the county of Essex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. The said corporation shall pay all damages sustained by any person 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 corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation 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 au-

thority 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 corporation under the authority of this act.

No application for damages to be made until water is actually taken.

SECTION 5. The said corporation may distribute the water through said town of Methuen; may regulate the use of said water and fix and collect the rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation; and may establish public fountains and hydrants, relocate and discontinue the same.

May fix and collect water rates, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real estate; capital stock and shares.

SECTION 7. 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 corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation 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 polluting or diverting water, etc.

SECTION 8. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

May issue bonds secured by mortgage, etc.

SECTION 9. The town of Methuen shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges

Town may purchase, etc., property at any time, etc.

of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Methuen, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Statement of receipts and expenses to be annually made to the town.

Methuen Water Loan not to exceed \$100,000.

SECTION 10. The said town may, for the purpose of paying the cost of said corporate property and 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 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 centum per annum, and shall be signed by the treasurer of the town and 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 purposes of this act upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan for the estab-

Sinking fund to be established.

lishment 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.

SECTION 11. 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.

May provide for payment in annual proportionate payments.

SECTION 12. 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.

Statement of amount of sinking fund, etc., to be made.

SECTION 13. 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 by taxation sufficient with income from water rates to pay expenses, etc.

SECTION 14. The said town shall, after its purchase of said corporate property as provided in 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 specially provided for shall be vested in said board of water commissioners, who shall

Board of water commissioners; powers and duties.

To be trustees
of the sinking
fund.

be subject however to such instructions, 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.

Security may be
required for
payment of
damages, etc.

SECTION 15. The county commissioners for the county of Essex shall, upon application of the owner of any land, water or water rights taken under this act, 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 the 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 the 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.

Work to be
commenced
within three
years.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

Approved May 17, 1892.

Chap. 311 AN ACT RELATIVE TO THE ABOLITION OF CERTAIN GRADE CROSSINGS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

No change to be
made in grade
of public ways
without consent
of the city
council.

SECTION 1. In the proceedings now pending in the superior court for the abolition of certain grade crossings in the city of Northampton, no change shall be made in the grade of the public ways in said city where the same are now crossed by one or more railroads at grade, without the consent of the city council of said city expressed by vote thereof duly recorded.

Copy of vote to
be certified to
the court.

SECTION 2. Before the court or any justice thereof shall make a final decree in said case a copy of such vote certified by the city clerk shall be filed in said case.

SECTION 3. This act shall take effect upon its passage.

Approved May 18, 1892.