

shall refer the petition", in the seventh line, and inserting in place thereof the words:— unless the court shall otherwise order, the petition shall be referred, — and by inserting after the word "determine", in the twelfth line, the words:— If the court shall make an order upon any petition with reference to the admission of such petitioner, the petitioner shall be admitted in accordance with such order, — so as to read as follows:— *Section 2.* A citizen of this Commonwealth, or an alien who has made the primary declaration of his intention to become a citizen of the United States, and who is an inhabitant of this Commonwealth, of the age of twenty-one years, may petition the supreme judicial or the superior court to be examined for admission as an attorney, whereupon, unless the court shall otherwise order, the petition shall be referred to the board of bar examiners, that they may ascertain his acquirements and qualifications. If the board report that the applicant is of good moral character, and recommend his admission, he may be admitted unless the court shall otherwise determine. If the court shall make an order upon any petition with reference to the admission of such petitioner, the petitioner shall be admitted in accordance with such order. A fee of ten dollars shall be paid by each candidate upon the entry of his petition, and in case of any subsequent petition of the same candidate a fee of five dollars, to the clerk of the court to which application is made, which shall be forwarded by said clerk to the treasurer of the Commonwealth.

Petition for examination for admission as an attorney, etc.

Fees.

Approved April 29, 1898.

AN ACT TO INCORPORATE THE NORTHFIELD WATER COMPANY.

Chap. 385

Be it enacted, etc., as follows:

SECTION 1. Charles H. Webster, Frank E. Stimpson, Charles A. Linsley, Ellen F. Alexander, Mary J. Osgood, Mary A. Pomeroy, Martha Hall, Charles S. Warner, Charles H. Green and Rollin C. Ward, are hereby made a corporation by the name of the Northfield Water Company, for the purpose of supplying the inhabitants of Northfield with water for the extinguishment of fires and for domestic 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.

Northfield Water Company incorporated.

May take certain waters, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take and acquire by purchase or otherwise, the waters, or so much thereof as may be necessary, of the brook between Hemlock and Round mountains in the town of Northfield, known as the Minot brook, and all the water rights connected therewith, 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 ways: *provided, however*, that said company shall not enter upon and dig up any public ways except with the approval of the board of selectmen of the town in which such ways are situated.

May lay conduits, pipes, etc.

Proviso.

Description of lands, etc., to be recorded.

SECTION 3. 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 county and district in 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 president of the corporation.

Damages.

SECTION 4. 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 authority of this act; but no such application shall be made after the expiration of said three years. No application shall be made for the assessment of damages 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.

SECTION 5. Said corporation may distribute the water through said town; may regulate the use of said water and fix and collect the rates to be paid for the use of the same; may establish public fountains and hydrants and relocate or discontinue 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 extinguishment of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

Distribution of water, etc.

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

Real estate and capital stock.

SECTION 7. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and, at the time of making the certificate, has been invested, or voted by the corporation to be invested, signed and sworn to by the president, treasurer and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and indorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate of payment of capital to be filed, etc.

May issue mortgage bonds, etc.

SECTION 8. 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.

Penalty for corruption of water, 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 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 any 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.

Security for payment of damages, etc., required in certain cases.

SECTION 10. Upon application of the owner of any land, water or water rights taken under this act, the 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 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.

Town may take franchise, property, etc.

SECTION 11. Said town of Northfield shall have the right at any time to take by purchase or otherwise the franchise, corporate property and all the rights and privileges 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 the purchase or taking, as herein pro-

vided, 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 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 said corporation shall be annually submitted to the selectmen of the town of Northfield, and by said selectmen to the citizens of said town. Said town on taking as herein provided the property of said corporation shall assume all of its outstanding obligations, including the bonds authorized in this act, and upon request of the holders of said bonds the town treasurer shall certify thereon that the principal and interest when due shall be paid, as therein set forth, by said town. The amount of bonds thus assumed shall be deducted from the total amount to be paid by said town to said corporation. In case said town shall have voted to purchase of said corporation its franchise, corporate property, rights and privileges, and cannot agree with said corporation upon the amount of the total actual cost thereof, then upon a suit in equity by either said town or said corporation the supreme judicial court shall ascertain and fix such total actual cost under the foregoing provisions of this act, and shall enforce the right of said town to take possession of said franchise, corporate property, rights and privileges, upon the payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose, provided that no more than three such meetings shall be held in any one year.

Statement of receipts and expenditures to be submitted annually, etc.

SECTION 12. Said town may for the purpose of paying the cost of said franchise and corporate property and the liabilities and the necessary expenses incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars; such bonds, notes or scrip shall bear on their face the words, Northfield Water Loan; shall be payable at the expiration of periods not exceed-

Northfield Water Loan.

ing 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 countersigned by the water commissioners hereinafter provided for. 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. Said town shall pay the interest on said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum of money sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments such amounts as may be necessary to make such payments shall without further vote of said town be raised annually by taxation, in the same manner as money is raised for other town expenses.

Sinking fund,
etc.

Water commis-
sioners, elec-
tion, terms, etc.

SECTION 13. Said town shall, after its purchase of said franchise and 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 town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

Authority,
restrictions, etc.

SECTION 14. 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 restrictions, rules and regulations as said town may impose by its vote. 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 to the sinking fund. Any vacancy occurring in said board for any cause may

To be trustees
of sinking fund,
etc.

be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose.

SECTION 15. 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 or scrip issued as aforesaid by said town, or the bonds of said corporation assumed by said town, if any, and to make such contributions to the sinking fund as may be required under the provisions of this act. Said town is further authorized by a two thirds vote of the voters of said town present and voting at any legal meeting to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

Payment of expenses, etc.

Town may extend its water works.

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.

When to take effect.

Approved April 29, 1898.

AN ACT RELATIVE TO THE APPORTIONMENT OF THE COST OF MAINTAINING A BRIDGE OVER THE CONNECTICUT RIVER BETWEEN AGAWAM AND SPRINGFIELD.

Chap. 386

Be it enacted, etc., as follows :

SECTION 1. The expenses of maintaining and repairing the bridge and its appurtenances constructed under the provisions of chapter two hundred of the acts of the year eighteen hundred and seventy-three shall hereafter be paid by the city of Springfield and the town of Agawam in the following proportions, namely: Eighty-five per cent. by the city of Springfield and fifteen per cent. by the town of Agawam.

Apportionment of expense of maintaining bridge.

SECTION 2. Said city and town shall be respectively liable, under the limitations of the law, for damages resulting from defects in said bridge and its appurtenances, in the same proportions as they respectively pay towards the cost of maintaining and keeping the same in repair.

Liability for damages.

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

Approved April 29, 1898.