

tificate by the district attorney shall have been filed with said commissioners.

SECTION 8. This act shall take effect upon its passage.

Approved June 19, 1885.

Chap.380 AN ACT TO SECURE GREATER CARE IN THE TRANSMISSION OF TELEGRAPHIC MESSAGES.

Be it enacted, etc., as follows :

Transmission of telegraphic messages.

SECTION 1. All persons, associations and corporations engaged in the business of transmitting or receiving telegraphic messages for hire shall be liable and responsible in each case for all damages up to the amount of one hundred dollars actually caused by their negligence, or that of their servants or agents, in transmitting, receiving or delivering such messages, and any limit of such liability or responsibility by contract or regulation, shall be valid and binding only for the excess of such damages in each case above said sum of one hundred dollars.

Liability for damages.

SECTION 2. No action for the recovery of such damages shall be maintained unless a claim therefor is presented in writing to such person, association or corporation, or to some officer or agent thereof, within sixty days from the time when such right of action accrues.

No action to be maintained unless claim is made within thirty days.

SECTION 3. The provisions of this act shall not apply to any negligence occurring in a telegraph office established for the convenience and safety of a railroad corporation in the running of its trains, and transacting a public telegraph business only as incidental thereto, nor to any negligence in the delivery of messages received at any such office.

Not to apply to telegraph of a railroad corporation.

Approved June 19, 1885.

Chap.381 AN ACT TO INCORPORATE THE READING WATER COMPANY.

Be it enacted, etc., as follows :

Reading Water Company incorporated.

SECTION 1. Charles F. Brown, Fred W. Hatch, Albert D. Bosson, and their associates and successors, are hereby made a corporation by the name of the Reading Water Company, for the purpose of furnishing the inhabitants of the town of Reading with water for the extinguishment of fires, and for domestic and 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.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the water of any springs, or artesian wells in the town of Reading, and the water rights connected with any such water sources, and any water procured from any other source under the authority of this act, and also 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.

May take water of springs, etc., in the town of Reading.

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, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is 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.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. The said corporation 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 corporation under the authority of this act. Any person or corporation 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

Liability for damages.

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 corporation under the authority of this act.

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

May distribute water and fix and collect rates.

SECTION 5. The said corporation may distribute the water through said town of Reading, may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with 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 other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

Real estate and capital stock.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount fifty 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.

May contract with Wakefield Water Co.

SECTION 7. The said corporation may contract with the Wakefield Water Company for a supply of water necessary for the purposes of this act, on such terms as may be agreed upon between said corporations; and said Wakefield Water Company is authorized to contract for and furnish, from its water supply, water to said Reading Water Company, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the Reading Water Company: *provided*, that nothing herein contained shall be construed to compel the said Wakefield Water Company to make such connections or to furnish said water.

Proviso.

Penalty for corrupting or diverting water.

SECTION 8. 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.

SECTION 9. The said corporation may issue bonds, bearing interest at a rate not exceeding six per cent. per annum and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds.

SECTION 10. The said town of Reading shall have the right at any time to purchase of said corporation its franchise, corporate property, and all its rights, powers and privileges at a price which may be mutually agreed upon, and may have a like right to purchase their interest from the mortgagees after foreclosure of any mortgage authorized by section nine of this act; and said corporation is authorized to make sale of the same to said town. If

Town of Reading may purchase franchise and property.

said corporation or said mortgagees, as the case may be, and said town, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of said town, and notice to the other party, whose award, when accepted by said court, shall be binding upon all parties. If said corporation shall have issued bonds under the provisions of section nine and the mortgage shall not have been foreclosed, and the compensation to be paid shall be determined by commissioners as aforesaid, such commissioners shall find the value of such franchise, corporate property, rights, powers and privileges, as it the same were unencumbered, and the mortgagees shall be entitled to be heard before such commissioners as to such value; and if the value so found shall exceed the amount of such mortgage debt, said town shall acquire such franchise, property, rights, powers and privileges by paying said corporation such excess, and shall assume said mortgage debt, as part of the water loan authorized by section eleven; but if the value so found should be less than the amount of such mortgage debt, then said town shall acquire such franchise, property, rights, powers and privileges of said corporation, and also the interest of said mortgagees, by paying said mortgagees the amount of the value so found, and such mortgage shall thereby be discharged; and said town shall thereupon hold and possess such franchise and all said corporate property, rights,

Compensation to be determined by commissioners if parties fail to agree.

Subject to
assent by a two-
thirds vote.

powers and privileges unencumbered and discharged from any trust. The right to purchase as aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Reading Water
Loan not to
exceed \$100,000,

SECTION 11. The said town may, for the purpose of paying the cost of said franchise and 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 "Reading 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 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 make
annual propor-
tionate pay-
ments instead of
establishing
sinking fund.

SECTION 12. 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.

Return required
to state amount
of sinking fund,
etc.

SECTION 13. 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 sec-

tion, and the amounts raised and applied thereunder for the current year.

SECTION 14. 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 annually by taxation sufficient to pay current expenses and interest.

SECTION 15. The 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 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 specifically provided for shall be vested in said board of water commissioners, who shall 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 to 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.

Water commissioners.

To be trustees of the sinking fund.

Vacancies.

SECTION 16. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, 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 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 county commissioners shall in like manner require further security, if at any time the security before required appears to

Security for payment of damages may be required.

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 making surveys, shall be suspended until it gives the security so required.

Work to commence within three years.

SECTION 17. 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 June 19, 1885.

Chap. 382 AN ACT IN RELATION TO THE PRESERVATION OF HEALTH IN BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Dwelling, etc., houses to be furnished with good and sufficient water closets.

SECTION 1. Every building in the city of Boston used as a dwelling, tenement or lodging house, or where persons are employed, shall have at all times such number of good and sufficient water closets, earth closets or privies as the board of health of said city may determine, but the occupants of any two or more of any such buildings may use such closets or privies in common, provided the access is easy and direct; and said board shall not require more than one such closet or privy for every twenty persons.

Cesspools subject to control of board of health.

SECTION 2. Every such building situated on a street in which there is a sewer, shall have water closets, and shall not have a cesspool or privy connected with it, except where, in the opinion of the board of health, it can be allowed to remain for a longer time, and then only as said board shall approve.

Tenement or lodging house.

SECTION 3. No building in the city of Boston shall be converted into, or used for a tenement or lodging house, unless, in addition to the other requirements of law, it conforms to the provisions of this act.

Meaning of terms used in this act.

SECTION 4. In this act the following terms shall have the meanings respectively assigned to them, viz.:—

“Cellar” means a basement or lower story of any building of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

“Inspector” means inspector of buildings of the city of Boston.

“Lodging house” means a building in which persons are temporarily accommodated with sleeping apartments, and includes hotels.

“Tenement house” means a building which, or any