

struction thereof be completed within five years from the passage thereof.

SECTION 10. This act shall take effect upon its passage.

*Approved June 12, 1869.*

AN ACT RELATING TO THE SALEM WATER WORKS AND TO SUPPLYING THE INHABITANTS OF BEVERLY WITH WATER THEREFROM.

*Chap. 380*

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

SECTION 1. In order readily to supply the inhabitants of the town of Beverly with water, under the provisions of section fifteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four, the city of Salem is hereby granted any additional authority necessary to lay, construct and maintain within the limits of said town, pipes, aqueducts or other structures in connection with the water works of said city, and to distribute and supply water therefrom to the inhabitants throughout said town, or in any part thereof, upon the application of the selectmen of said town from time to time, in the same manner as it may throughout said city. And for this purpose said city may carry its pipes over or under any water-course, street, railroad, highway or other way within said town, in such manner as not to obstruct the same ; and may enter upon and dig up such roads, streets or ways for the purpose of laying down, maintaining and repairing its pipes or other structures, and may do any other acts necessary and proper in executing the purposes of this act : *provided*, that if said city shall thus lay pipes in said town, it shall have the same control over said pipes and may regulate the use of the water within said town, and establish the rates to be paid therefor, in the same manner as it exercises such authority within its own limits.

Salem to supply Beverly with pure water.

Proviso.

SECTION 2. The town of Beverly is hereby authorized to make such agreement with the city of Salem, for supplying the inhabitants of said town with water, as can be mutually determined. And in case said town shall not before the twentieth day of June of the present year, agree with said city as to the laying of pipes for such supply, then said town may erect and maintain within its own limits, such works and structures in connection with the water works of the city of Salem, as may be requisite for the distribution and supply of water from said works to the inhabitants of said town. And for this purpose said town may from time to time lay, construct and maintain pipes or other structures in, over or under any of the streets, roads or ways within its limits, and connect the same with any or all of the branches already inserted into the main supply-pipe of said Salem water

Salem and Beverly to agree upon terms, &c., for supply of water.

If agreement is not made, Beverly may erect and maintain structures, &c.

Proviso.

works upon the line of Cabot and Rantoul Streets in said town of Beverly, or at any other point that may be mutually agreed upon : *provided*, that said connections shall be made under the immediate supervision of the engineer or superintendent of the Salem water works, and in accordance with his reasonable directions ; and said pipes shall at all times be subject to the reasonable supervision and control of said city, which shall also have the right to regulate the use of the water in said town by the inhabitants thereof ; but no more stringent regulation in regard to such use shall be imposed upon the inhabitants of said town at any time, than are imposed upon the inhabitants of said city. And for the purposes aforesaid, said town may carry its pipes over or under any water-course, street, railroad, highway or other way in such manner as not to obstruct the same ; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing its pipes, and may do any other acts or things necessary and proper in executing the purposes of this act.

Compensation for use of water, how determined.

SECTION 3. Said city and the inhabitants of said town may make any agreement as to the equitable compensation to be paid for the use of water as aforesaid ; which in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by the court, shall be binding upon the parties for the term of five years, according to the provisions of section fifteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-eight.

Remedies if superintendent of works fails to direct connection of pipes.

SECTION 4. In case the superintendent of the Salem water works shall neglect or refuse to give reasonable directions in reference to the connection of the pipes laid by the town of Beverly, with the branches of the main supply-pipe of the Salem water works, or at any other point that may have been mutually agreed upon, the said town of Beverly may make application through its selectmen to the city of Salem, for such directions in reference to making said connections, as may be desired, which application shall contain a specific description of what is proposed to be done ; and in case said city shall refuse to give such directions within three days, or in case no answer shall be returned within said three days, application may be made to the engineer of the Boston water works for the time being, who after three days' notice to the city of Salem, shall hear the parties and determine whether the directions requested by said town of Beverly, in reference to the making of such connections, are reasonable ;

and in case he shall find that they are reasonable, the city of Salem shall be required to make such connections in accordance with such directions. Said engineer shall be allowed a reasonable compensation per day and his expenses, to be paid by the town of Beverly, and in case he shall find that the directions applied for are reasonable, said compensation and expenses may be recovered by the town of Beverly of the city of Salem.

Compensation  
of engineer.

Expenses, by  
whom paid.

SECTION 5. Whenever the county commissioners of the county of Essex shall, under the provisions of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and fifty-six, lay out a highway and cause to be built a bridge across Bass River in the town of Beverly, then for the purpose of supplying water to its inhabitants westerly of said river, the said town may in connection with said bridge erect suitable structures and works for carrying, preserving and maintaining water-pipes across said river and over or under the water-course of the same. And in case said commissioners shall not during the present year, lay out said highway and bridge, then the selectmen of said town of Beverly, upon proceedings had as in the case of town ways, may lay out a town way and bridge within the limits and upon the conditions specified in said chapter as to a highway and bridge, subject to the acceptance of said town; and said town may then erect and maintain in connection with such bridge, similar works to those herein authorized, in case the same is laid out by the county commissioners as aforesaid.

Pipes may be  
carried across  
Bass River  
when commis-  
sioners lay out  
highway and  
build bridge  
there.

If commis-  
sioners do not build  
bridge this year  
Beverly may do  
it.

SECTION 6. The town of Beverly is hereby authorized to raise by loan or by taxation, any and all sums of money which may be necessary to enable said town fully to carry out the authority granted to it by this act.

Beverly may  
raise money  
by loan or tax-  
ation.

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

*Approved June 12, 1869.*

AN ACT TO AUTHORIZE TOWNS TO RAISE MONEY TO ENCOURAGE THE PLANTING OF SHADE TREES.

*Chap. 381*

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

Any town may at a legal meeting grant and vote a sum not exceeding twenty-five cents for each of its ratable polls in the year next preceding that in which such appropriation is made, to be expended under the direction of the selectmen in premiums, or in any such manner as they may deem most effectual to encourage the planting of shade trees by the owners of real estate, upon the public squares, or highways, adjoining such real estate.

Towns may  
grant money to  
encourage  
planting shade  
trees.

*Approved June 12, 1869.*