

cinet one", in the second line, and inserting in place thereof the word: — town, — and also by striking out the word "precinct", in the tenth line, and inserting in place thereof the word: — town.

1910, 604,
§ 5, amended.

SECTION 4. Section five of said chapter six hundred and four is hereby amended by striking out the word "thirty-nine", in the third line, and inserting in place thereof the word: — thirty-seven.

SECTION 5. This act shall take effect upon its passage.

Approved July 7, 1911.

Chap.640 AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO EXTEND AND INCREASE ITS SYSTEM OF WATER SUPPLY.

Be it enacted, etc., as follows:

The town of Peabody may take the waters of Humphrey's brook, etc.

SECTION 1. The town of Peabody, for the purpose of increasing its water supply, may take, or acquire by purchase or otherwise, and hold, use and divert, for the period of three years next following the passage of this act, the waters of Humphrey's brook, so-called, in said town, having one of its natural sources in Suntaug lake, the diversion of said waters to be at some point above the lower railroad crossing near the mouth of said brook. After the completion of the investigation by the state board of health and the making of the final report by that board as required by chapter fifty-four of the resolves of the year nineteen hundred and eleven, the town of Peabody for the purposes above named may, with the consent and approval of the state board of health, and by an act of the general court, take, or acquire by purchase or otherwise, the waters of Boston brook and its tributaries in the towns of Andover, North Andover and Middleton, and the water rights connected therewith, reserving to the owners of mills on said brook, and on Ipswich river, their right as mill owners to use such waters as shall flow to said mills and the dams connected therewith, except so far as the town of Peabody shall from time to time actually divert and use the same for the purposes named in this act; and provided also that the town of Peabody shall not divert any water from said Boston brook except during the months of January, February, March, April, May and December of each year, and shall not at any time divert an amount of water exceeding eight million gallons in any one day. For the purposes of build-

May take the waters of Boston brook, etc.

ing and maintaining additional dams, reservoirs, pumping plants and pipe lines, and of collecting, storing, and preserving the purity of, the waters taken under the provisions of this act, and for the purpose of connecting the same, through Suntaug lake or otherwise, with the present water supply system of the town of Peabody, said town may take, or acquire by purchase or otherwise, all lands, buildings, rights of way and easements within the towns of Andover, North Andover, Middleton, Danvers and Peabody which may be necessary.

SECTION 2. The said town of Peabody may construct on the land acquired under the provisions of this act, proper dams, canals, reservoirs, standpipes, tanks, pumping stations, buildings, fixtures and other structures, including also the establishment and maintenance of filtering beds or systems in said land, and for the aforesaid purposes may construct, lay and maintain aqueducts, conduits, pipes and pipe lines and other works under and over any land, water courses, railroads, street or electric railways in the towns mentioned in section one, and along and under private ways in the aforesaid towns, in such manner as not unnecessarily to obstruct the same, and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works for the purposes of this act, the town of Peabody may dig up or raise and embank any such land, highways, or other ways in such manner as to cause the least hindrance to public travel on such ways; but all things done upon any such ways shall be done under the direction of the selectmen of the town in which said ways are situated. The town shall not enter upon, construct or lay any conduit, pipes or other works within the location of any railroad corporation, except at such times and in such manner as it may agree upon with such corporation, or in case of failure so to agree, as may be approved by the board of railroad commissioners.

May construct dams, canals, etc.

SECTION 3. The town of Peabody shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the district and county in which the same are situated a certificate containing a description of the property taken sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the commission of public works of said town or their successors.

Taking to be recorded.

Damages.

SECTION 4. The town of Peabody shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water rights or easements, or by anything done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of three years after the taking of such land and other property, or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said three years; and no application for the assessment of damages shall be made for the taking of any water, water right or water source, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act, nor unless by such diversion the flow of water shall be perceptibly and materially diminished in the water course from which it is diverted.

Grade of certain way to be raised.

SECTION 5. If the town of Peabody shall under authority of this act construct any reservoir in such manner as to flow any existing public way, it shall raise the way to such a grade as will make it reasonably safe and convenient for travel, or shall build in place of any part of said way so flowed another suitable way which shall thereafter be a public way, with all necessary fences and culverts, as and in such manner as shall be agreed upon by the commission of public works of the town of Peabody and the selectmen of the town in which such public way is situated, or, if they cannot agree thereon, then in such manner as shall be determined by the county commissioners on application of either party to them, and the county commissioners are hereby authorized and directed to adjudicate upon the same.

May construct lines for the transmission of electricity, etc.

SECTION 6. The town of Peabody may, for the purpose of transmitting electricity for lighting, heat, and power purposes from its central station in Peabody to any pumping station, plant and buildings erected under the provisions of this act by the town of Peabody in any of the towns mentioned in section one of this act, construct lines over the land of any person or corporation and upon, along and under the public ways, and over water courses and bridges in any of the aforementioned towns, and may erect poles,

piers, abutments and other fixtures, excepting bridges, which may be necessary to sustain the wires of its lines and connect said lines with the system of the town of Peabody for the distribution of electricity, and with its central station, and may transmit electricity for lighting, heat, and power purposes for the sole use of said town through said lines in the towns above mentioned, and may take, or acquire, by purchase or otherwise, all land, rights of way and easements which may be necessary for any of the purposes of this act.

SECTION 7. The town of Peabody, for the purposes aforesaid, may issue from time to time bonds, notes or scrip to an amount not exceeding five hundred thousand dollars, this amount to be in addition to the amount heretofore authorized by law to be issued by the town for the purposes named in this act. Such bonds, notes or scrip shall bear on their face the words, Town of Peabody Water Loan, Act of 1911, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. The town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Town of Peabody Water Loan, Act of 1911.

SECTION 8. The town of Peabody shall, at the time of authorizing said loan, provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which will be sufficient to pay the principal and the interest as it accrues on the said bonds, notes or scrip shall, without further vote, be assessed and collected by the town annually thereafter in a manner similar to that in which other taxes are assessed, until the debt secured by said loan is extinguished.

Payment of loan.

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

Penalty for corrupting or polluting water, etc.

three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Control of
land and
property
acquired,
etc.

SECTION 10. The commission of public works of the town of Peabody shall manage, improve and control the land and other property purchased or acquired in any way under the provisions of this act, and shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, unless it is otherwise provided herein or unless other officers or agents shall by vote of the town be expressly chosen for the said purposes, or any of them.

Time of
taking effect.

SECTION 11. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Peabody present and voting thereon by ballot, or otherwise, at any legal meeting of the voters of said town; and for the purpose of being submitted to the voters of the town this act shall take effect upon its passage.

Approved July 7, 1911.

Chap. 641 AN ACT TO ESTABLISH THE WEST GROTON WATER SUPPLY DISTRICT.

Be it enacted, etc., as follows:

West Groton
Water Sup-
ply District
established.

Boundaries
of district.

SECTION 1. The inhabitants of the westerly part of the town of Groton liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at Squannacook Junction, so-called, at the point of the frog of the main line tracks to Greenville and Brookline, New Hampshire; thence north forty-two degrees forty-one minutes east, about two and five tenths feet to the centre line of the location of the Brookline branch of the Boston and Maine railroad; thence northerly by said centre line about sixty-eight hundred and seventy feet to the centre of the highway crossing bridge number three hundred and forty-three; thence westerly by the highway leading to the paper mill of the Hollingsworth and Vose Company, about forty-five hundred and twenty-six feet to a point opposite a stone wall on the northerly side of said highway between the lands of Harry E. Kemp and Lawrence Cronin; thence north twenty-one degrees thirteen minutes east, about thirty-three feet to the beginning of said wall and five hundred feet in the same direction along said wall; thence north seventy-one degrees fifty-seven minutes forty seconds west, forty-one hundred and forty-six feet;