

from the ordinary revenue, for the department of the bank commissioner, for the fiscal year ending on the thirtieth day of November, nineteen hundred and fifteen, to wit:—

For the salary of the commissioner, the sum of five thousand dollars. Commissioner, salary.

For the salary of the deputy, the sum of thirty-five hundred dollars. Deputy.

For the salaries of examiners, clerks, experts and other assistants, a sum not exceeding sixty-seven thousand five hundred dollars. Examiners, etc.

For printing, stationery, office supplies, travelling and other expenses, a sum not exceeding thirty thousand dollars. Printing, stationery, etc.

For printing and binding the annual reports, a sum not exceeding seven thousand dollars. Printing and binding annual reports.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1915.

AN ACT TO INCORPORATE THE CAPE COD WATER COMPANY. *Chap. 375*

Be it enacted, etc., as follows:

SECTION 1. Charles N. Taylor, William H. Burgess, Reginald L. Robbins, Howard W. Lang and Charles L. Walker, their associates and successors, are hereby made a corporation by the name of the Cape Cod Water Company for the purpose of supplying water for use within the towns of Chatham, Harwich and Dennis for the extinguishment of fires and for domestic, manufacturing and other purposes. Said corporation shall have all the powers and privileges and shall be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to water companies. Cape Cod Water Company, incorporated.

SECTION 2. Said corporation may take or acquire by purchase or otherwise, and hold, the waters of such ground water source within the limits of said towns of Chatham, Harwich and Dennis, as may be approved by the state department of health, and may obtain the water by means of driven, bored, artesian or other wells on any land within said limits, and may also take or acquire, subject to the approval of said state department of health, by purchase or otherwise all lands, rights of way and easements necessary for holding and preserving such water and the purity thereof and for conveying the water to any part of said towns. Said corporation may erect on the land so taken or acquired such dams, buildings, reservoirs and other structures or May purchase certain waters, etc.

May purchase
certain waters,
etc.

equipment as may be necessary for the establishment and maintenance of complete and effective water works and may do all other acts reasonably necessary to carry out the purposes for which the company is incorporated. It may make excavations, procure and operate machinery, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, canals, dams, railroads, railways and public or other ways and along any highway or other way in said towns, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said corporation may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel, subject to the approval of the selectmen of the respective towns as to highways or other ways within their control. Said corporation shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time 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 public service commission.

Description of
lands, etc. taken
to be recorded.

SECTION 3. Said company shall, within sixty days after voting to take 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 county of Barnstable 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. The recording shall operate as a taking of the real estate and rights and easements therein described.

Payment of
damages, etc.

SECTION 4. Said company shall pay all damages to property sustained by any person, firm or corporation by the taking of any land, right of way, water, water source, water rights, or easements, or by any other thing done by said corporation under the authority of this act. Any person, firm or corporation sustaining damages as aforesaid, and failing to agree with said corporation as to the amount thereof, may have the same assessed and 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, but not after, two years from the taking of such

land or other property, or the doing of any other injury under authority of this act. Said company may by vote, from time to time, determine what amount or quantity of water it proposes to take under this act; and in such case damages caused by the taking shall be based upon the said amount or quantity until the same shall be increased by vote or otherwise, and in that event the company shall be liable further only for the additional damages caused by such additional taking.

SECTION 5. Said company may distribute water through said towns of Chatham, Harwich and Dennis, or any part thereof, and may regulate the use of said water and may fix the rates to be paid for the use of the same, subject, however, to the power now vested in the board of gas and electric light commissioners to regulate said rates; and may collect such rates, and may make contracts with any of said towns, acting by their respective selectmen, and with any fire or water district now or hereafter established therein, and with any individual, corporation, departments of the commonwealth and of the United States therein, to supply water for the extinguishment of fires, and for domestic, manufacturing or other purposes. But the selectmen of any of said towns shall not have authority to make contracts for hydrant service until authorized by a majority vote of the voters of the town present and voting upon the question: — “Shall the selectmen of the town of _____ have authority to make a contract with the Cape Cod Water Company for hydrant service?” And this vote shall be taken at the same special town meeting which votes upon the acceptance of this act.

May distribute water through certain towns.

Question of making certain contracts to be submitted to voters.

SECTION 6. The amount of capital stock of the company shall be fixed at the first meeting of the stockholders: *provided, however*, that it shall not exceed two hundred and fifty thousand dollars; and a certificate thereof shall be filed with the secretary of the commonwealth within thirty days after the amount of the capital stock has been fixed. The capital stock may be increased or diminished thereafter as provided in section thirty-five of chapter seven hundred and forty-two of the acts of the year nineteen hundred and fourteen. Shares shall be of the par value of one hundred dollars each. Said company may, for the purposes of this act, issue stocks and bonds only in accordance with the powers, limitations and restrictions contained in chapter

Capital stock.

Proviso.

Par value of shares.

seven hundred and eighty-seven of the acts of the year nineteen hundred and fourteen, and acts in amendment thereof and in addition thereto.

Certain towns may purchase franchise, etc.

SECTION 7. The towns of Chatham, Harwich and Dennis, or any one or two of said towns, upon obtaining appropriate legislation to enable them to act as a water district or otherwise, may purchase the franchise and all the rights, privileges and property of said water company owned by it and used in supplying water, upon payment of the fair market value thereof. Such value shall be estimated without enhancement on account of future earning capacity or good will of said company, or on account of the exclusive privileges derived from rights in the public streets, or on account of any contracts which may then exist between the water company and said towns or any of them. The water district or any one or more of said towns, as the case may be, purchasing said water system may require that said franchise, rights, privileges and property purchased, shall be assigned, transferred and conveyed by the water company free and clear of any mortgage or lien to which such water system or any part thereof may be subject at the time of such purchase, unless the board of gas and electric light commissioners shall determine otherwise. If the water district or any one or more of said towns, as the case may be, and the water company shall be unable to agree upon the value of said franchise rights, privileges and property, either party, with notice to the other, may apply to the supreme judicial court for the county of Barnstable for the determination of said value. Said court shall refer the application to the board of gas and electric light commissioners, who shall hear the parties and determine the value of said franchise, rights, privileges and property in accordance with the provisions herein prescribed, and the award of said board when accepted by the court shall be final. The award shall not be set aside or recommitted for error in law, unless the court is satisfied that such error has substantially affected the interests of the party complaining thereof, and in that event the court may recommit the award to the board with such directions as justice may require.

Supreme judicial court to determine values in certain cases.

Award.

Penalty.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under authority of this act, or injures any structure, work or other property owned, held or used by said company under authority of this

act, shall forfeit and pay to said company 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 for a term not exceeding one year.

SECTION 9. This act, except as is provided in section ten, shall take effect as to any of said towns of Chatham, Harwich and Dennis upon its acceptance by a majority vote of the voters of any such town present and voting thereon at a special town meeting, to be called for the purpose within sixty days after the passage of this act.

Act to be submitted to voters of several towns.

SECTION 10. So much of this act as authorizes its submission to the voters of the said towns shall take effect upon its passage, but it shall not take further effect until accepted as hereinbefore provided by the legal voters of said towns, and shall become void unless work under this act is begun within one year from the acceptance thereof by said towns.

Time of taking effect.

Approved May 28, 1915.

[1915, 297, Spec.]

AN ACT RELATIVE TO THE CONSTRUCTION OF ADDITIONAL TUNNELS OR SUBWAYS IN THE CITY OF BOSTON. *Chap. 376*

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter seven hundred and forty-one of the acts of the year nineteen hundred and eleven is hereby amended by adding at the end thereof the following: — The commission may, in connection with any stations or terminals, provide means for a convenient interchange of passengers between the tunnels and subways and street railway lines, and for that purpose shall have all the powers conferred by this act, including the right to use public lands and highways, to take private property in the manner specified in this act and to widen highways where such widening is deemed necessary; and the commission may construct subways, inclines, approaches, and other structures for the use of surface street railway cars and may grant locations for street railway lines, either upon the surface of land acquired for that purpose or in or upon any such subways, inclines, approaches or other structures so constructed, and may also grant such other locations upon the public highways as may be necessary to make connections

1911, 741, § 16, amended.