

Authority to generate electricity to be subject to vote of the town, etc.

May take and hold lands, etc.

apparatus shall be erected or maintained in, under, over or upon any lands belonging to the commonwealth or subject to the jurisdiction of the metropolitan water and sewerage board. The authority to generate electricity for the purposes of this act shall only be exercised after the affirmative vote of two thirds of the voters present and voting thereon at each of two town meetings called for the purpose and held at intervals of not less than two nor more than four months. Nothing herein contained shall authorize said town to acquire a plant for the manufacture or distribution of electricity for other municipal uses or for the use of its inhabitants, save upon the proceeding required by and subject to the provisions of chapter thirty-four of the Revised Laws and all amendments thereof now or hereafter enacted. The said town, for the purpose aforesaid, may take, or acquire by purchase or otherwise, and hold such lands, easements and rights of way as may be needed therefor. Such taking shall be in the manner provided by chapter two hundred and six of the acts of the year eighteen hundred and ninety-three, and the town shall be liable for all damages to property sustained by any person or corporation by reason of any taking or other act made or done under authority hereof.

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

*Approved June 9, 1909.*

*Chap. 480* AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE CITIES OF HOLYOKE AND NORTHAMPTON.

*Be it enacted, etc., as follows:*

Boundary line between the cities of Holyoke and Northampton established.

SECTION 1. So much of the city of Northampton as lies within the following described lines, to wit:—Beginning at the corner of Holyoke, Northampton and South Hadley, an unmarked point in the middle of the Connecticut river, thence south, eighty-eight degrees forty minutes west, true bearing, about one thousand one hundred and twenty feet to the witness mark, a dressed granite monument, standing on the ledge on the western shore of the river about seventy-five feet east of the point where the Boston and Maine railroad passes through a cut in the ledge; thence, in the same direction, nine thousand three hundred and fifty-eight feet to the corner of Easthampton, Holyoke and Northampton, a sandstone monument, stand-

ing in a pile of stones in a thick growth of woods on a summit of an elevation of the Mount Tom range; thence north, nineteen degrees twenty-six minutes east, true bearing, seventeen thousand eight hundred and fifty-seven feet to a granite monument standing on the steep northwesterly slope of a heavily wooded summit of the Mount Tom range, about three hundred and twenty-five feet east of an old road which runs along the westerly side of the range; thence north, fifty-two degrees fifteen minutes east, true bearing, seven thousand one hundred and twenty-eight feet to the witness mark at the corner of Easthampton, Hadley and Northampton, a rough sandstone monument, standing about two hundred feet west of the west bank of the Connecticut river, on the easterly side of the street about six hundred and seventy-five feet southeasterly from the crossing at Mount Tom depot on the Boston and Maine railroad; thence in the same direction, about five hundred and thirty feet to the true corner in the middle of the Connecticut river; thence southerly along the middle of the river, to the point of beginning, with all the inhabitants and estates therein, — is hereby set off from the city of Northampton and annexed to and made a part of the city of Holyoke, and said inhabitants shall hereafter be inhabitants of the city of Holyoke and of the county of Hampden, and shall constitute a part of the seventh ward of the city of Holyoke until a new division of the wards of the city is made, and said territory is hereby set off from the county of Hampshire and annexed to and made a part of the county of Hampden.

Boundary line between the cities of Holyoke and Northampton established.

SECTION 2. The inhabitants and the estates within the territory hereby annexed to the city of Holyoke, and the owners of said estates, shall pay to the city of Northampton all arrearages of taxes which have been or shall be legally assessed upon them before this act takes effect, and also, until the next state valuation, such proportion of the state and county taxes as may legally be incumbent upon them to pay. And said taxes may be collected in the same manner as if the territory hereby annexed to the city of Holyoke still remained a part of the city of Northampton.

Payment of arrearages of taxes, etc.

SECTION 3. The city of Holyoke shall be liable for the support of all persons who now stand or shall hereafter stand in need of relief as paupers, whose settlement was

Support of paupers, etc.

gained, whether by original acquisition or derivation, or in any other manner, within the territory hereby annexed to the city of Holyoke.

Election districts.

SECTION 4. The inhabitants of the territory hereby annexed to the city of Holyoke shall continue to be a part of the city of Northampton for the purpose of electing members of the executive council, senators and representatives in the general court, electors of president and vice president of the United States and representatives in congress, until otherwise apportioned by law. The registrars of voters of the city of Holyoke shall annually make a true list of the persons residing in said territory qualified to vote at every such election, and shall post the same in said territory according to law, and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers, and their eligibility to election to any such offices shall not be affected by this act until the inhabitants of said territory shall otherwise be apportioned according to law. They shall also deliver one of such lists, corrected as required by law, to the mayor and aldermen of the city of Northampton seven days at least before any such election, and the same shall be taken and used for such election in the same manner as if it had been prepared by the registrars of voters of the city of Northampton; and said inhabitants in said territory qualified to vote may cast their ballots at the place or places which may be prescribed by the mayor and aldermen of the city of Northampton.

List of persons qualified to vote to be posted, etc.

Rights, etc., to school property.

SECTION 5. Within three months after the passage of this act the city of Northampton shall execute and deliver to the city of Holyoke a good and sufficient deed of conveyance to the city of Holyoke of all the right, title and interest, if any, now owned by the city of Northampton in and to the school property in said territory hereby annexed, and of all the right, title and interest, if any, now owned by it in and to the cemetery and its appurtenances in said territory.

Expense of construction of state road, so-called.

SECTION 6. The city of Holyoke shall pay to the county of Hampshire the sum of seven thousand dollars as full compensation for the amount which the county of Hampshire may have expended within the four years last past in the construction of the state road, so-called, within the territory hereby annexed.

SECTION 7. Within one year from the passage of this act the city of Holyoke shall pay to the city of Northampton the sum of forty-five thousand dollars, unless the city of Northampton within thirty days after the passage of this act shall determine by a majority vote of each branch of its city council that it will not accept said sum. If the city of Northampton shall so determine the superior court shall, upon petition by the city of Northampton, filed within thirty days after the passage of such vote and after a reasonable notice to the city of Holyoke, appoint three persons as a commission to hear the parties and determine the amount of additional compensation, if any, that the city of Northampton is entitled to receive from the city of Holyoke by reason of the annexation of the said territory to the city of Holyoke. The award of said commissioners, or a majority thereof, when returned to said court and after due hearing thereon, and after final determination of the questions of law which may have been raised before said commission and said court, shall be accepted by the court and shall be final; but the court shall have power for proper cause shown to set aside such award and to recommit it to the commissioners or to remove said commissioners and appoint others in their stead, and the court after such acceptance shall have power to render judgment or to make any order or decree upon said award, to issue execution or any other proper process to enforce said judgment, decree or order.

Payment of a certain sum to the city of Northampton, etc.

SECTION 8. For the purpose of raising the sums to be paid under the two preceding sections the city of Holyoke is hereby authorized to issue negotiable bonds, to be signed by the treasurer and countersigned by the mayor of the city, to an amount not exceeding eighty-two thousand dollars, bearing interest not exceeding four per cent per annum, payable semi-annually, the principal to be paid at periods of not more than twenty years from the respective issues of said bonds. The city may sell such bonds or any part thereof from time to time at public or private sale, but the same shall not be sold for less than their par value. The city council shall 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 thereafter, without further action of the city council, the

The city of Holyoke may issue bonds, etc.

amount required for such payments shall annually be assessed by the assessors of the city in the same manner in which other taxes are assessed, until the debt so incurred is extinguished.

Jurisdiction of courts.

SECTION 9. The several courts within the county of Hampden, after this act takes effect, shall have the same jurisdiction over all causes and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within the territory hereby annexed, which said courts now have over like proceedings, causes and actions within the county of Hampden:

Proviso.

*provided*, that the several courts within the county of Hampshire shall have and retain jurisdiction of all causes, proceedings and matters that shall have rightfully been begun in said courts prior to the time when this act takes effect; and the superior court within the county of Hampden and the police court of the city of Holyoke shall, after this act takes effect, have the same jurisdiction of all crimes, offences and misdemeanors committed within the territory hereby annexed which they now exercise over crimes, offences and misdemeanors committed in their respective jurisdictions. All suits, actions, proceedings, complaints, indictments and prosecutions, and all matters of probate and insolvency, which shall be pending within said territory before any court, commission or justice of the peace when this act takes effect, shall be heard and determined as though this act had not been passed.

Pending cases to be continued.

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

*Approved June 9, 1909.*

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*Chap. 481* AN ACT RELATIVE TO THE IMPROVEMENT AND PROTECTION OF RIVERS, HARBORS, TIDEWATERS AND FORESHORES.

*Be it enacted, etc., as follows:*

Improvement, etc., of rivers, harbors, etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to undertake such work for the improvement, development, maintenance and protection of rivers, harbors, tidewaters and foreshores within the commonwealth as it may deem to be reasonable and proper, and for this purpose shall have the same powers conferred upon it by section nine of chapter ninety-six of the Revised Laws, and may expend