

an act passed by the general court in the year nineteen hundred and thirty-eight, entitled, 'An Act relative to Expenditures of Money by the County Commissioners of Barnstable County for the Purpose of Promoting the Recreational Advantages of Said County', be accepted?" If a majority of the votes cast in said county in answer to said question is in the affirmative, sections one and three of this act shall thereupon take full effect, but not otherwise.

SECTION 3. Chapter three hundred and eighteen of the acts of nineteen hundred and thirty-seven is hereby repealed.

Approved April 5, 1938.

AN ACT RELATIVE TO EXPENDITURES BY CITY OFFICERS DURING THE INTERVAL BETWEEN DECEMBER THIRTY-FIRST IN EACH YEAR AND THE TIME OF MAKING THE NEXT ANNUAL APPROPRIATION.

Chap.170

Be it enacted, etc., as follows:

Chapter forty-four of the General Laws is hereby amended by striking out section thirty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 34.* In the period after the expiration of any fiscal year and before the regular appropriations have been made by the city council, the city officers who are authorized to make expenditures may incur liabilities in carrying on the work of the several departments intrusted to them, and payments therefor shall be made from the treasury from any available funds therein, and charged against the next annual appropriation; provided, that the liabilities incurred during such interval for regular employees do not exceed in any one month the average monthly expenditures of the last three months of the preceding fiscal year, and that the total liabilities incurred during said interval do not exceed in any one month the sums spent for similar purposes during any one month of the preceding fiscal year; and provided, further, that said officers who are authorized to make expenditures may expend in any one month for any new officer or board lawfully created an amount not exceeding one twelfth of the estimated cost for the current fiscal year. All interest and debt falling due in said interval shall be paid.

G. L. (Ter. Ed.), 44, § 34, amended.

Municipal expenditures in anticipation of appropriations.

Approved April 5, 1938.

AN ACT FURTHER REGULATING AND LIMITING THE SPEED OF CERTAIN HEAVY VEHICLES.

Chap.171

Be it enacted, etc., as follows:

SECTION 1. Section thirty of chapter eighty-five of the General Laws, as amended by chapter thirty of the acts of nineteen hundred and thirty-five, is hereby further amended by inserting after the word "thereby" in the fortieth line the following new sentence: — The board or officer having charge of any bridge may make regulations prohibiting any

G. L. (Ter. Ed.), 85, § 30, etc., amended.

vehicle to which this section applies from passing over such bridge at a speed greater than six miles an hour, which regulations shall be in force if conspicuously posted at each end of such bridge with a statement of the load capacity of such bridge, — so as to read as follows: — *Section 30.* No vehicle shall travel or object be moved, on any public way, which has any device attached to or made a part of its wheels or the rollers or other supports on which it rests, which will injure the surface of the way; nor shall any vehicle travel or object be moved, on any public way, which weighs more than fourteen tons, or, in the case of a vehicle equipped with pneumatic tires, more than fifteen tons, without a permit from the board or officer having charge of such way, or, in case of a state highway, or a way determined by the department of public works to be a through route, from the commissioner of public works; provided, that no such permit shall be required for the operation of a semi-trailer unit or a vehicle having three axles, whether or not so equipped, which does not weigh more than twenty tons. No vehicle shall travel or object be moved on any public way, outside of the metropolitan parks or sewerage districts, the weight of which resting on the surface of such way exceeds eight hundred pounds upon any inch of the tire, roller or other support, without such a permit. Such a permit may limit the time within which it shall be in force and the ways which may be used and may contain any provisions or conditions necessary for the protection of such ways from injury. If, in the opinion of the board or officer having charge of any public way, the travel or moving thereon at any season of the year of any vehicle or object which weighs more than ten thousand pounds would cause injury to such way more serious than the ordinary wear and tear which the type of construction of such way is designed to withstand, such board or officer may by regulation prohibit such vehicle or object from passing over such way during such season without a permit therefor. All such regulations shall, when affecting ways which are determined by the department of public works to be through routes, be subject to the approval of such department. Such regulations shall be published and shall take effect as provided in case of rules and orders under section twenty-two of chapter forty and shall be posted in a conspicuous place at both ends of the part of said way from which traffic is prohibited thereby. The board or officer having charge of any bridge may make regulations prohibiting any vehicle to which this section applies from passing over such bridge at a speed greater than six miles an hour, which regulations shall be in force if conspicuously posted at each end of such bridge with a statement of the load capacity of such bridge. Any person driving, operating or moving a vehicle or object in violation of this section or of any regulation adopted hereunder, or the owner thereof, shall be liable in tort to the body politic or corporate having charge of the way for any injury to the

Use of
highways by
traction
engines and
other heavy
vehicles
regulated.

way thereby caused. All the aforesaid limitations as to weight shall be inclusive of the load.

SECTION 2. Said chapter eighty-five is hereby further amended by striking out section thirty-one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 31.* No vehicle which with its load weighs more than four tons shall, when equipped with metallic tires, travel upon any public way at a speed greater than four miles an hour.

G. L. (Ter. Ed.), 85, § 31, amended.

Speed regulated.

Approved April 5, 1938.

AN ACT RELATIVE TO THE DEVELOPMENT AND USE BY CITIES AND TOWNS OF SOURCES OF WATER SUPPLY WITHIN THEIR OWN LIMITS.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter forty of the General Laws is hereby amended by inserting after clause (5), as appearing in the Tercentenary Edition, the following new clause: —

G. L. (Ter. Ed.), 40, § 5, etc., amended.

(5A) For supplying itself and its inhabitants with water as authorized by law.

Municipal appropriations for water supply.

SECTION 2. Said chapter forty is hereby further amended by striking out section thirty-eight, as so appearing, and inserting in place thereof the following: — *Section 38.* A city, by a two thirds vote of its city council, ratified by a majority of the voters thereof at an election called for the purpose, or a town, by action of its selectmen, ratified by a majority of its voters present and voting thereon at a town meeting at which the voting list shall be used, may, for the purpose of supplying water to itself and its inhabitants, purchase of any municipal or other corporation the right to take water from its sources of supply or from its pipes; or may purchase its whole water rights, estates, franchises and privileges, and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; or, by its board of water commissioners or officers performing like duties, may contract with any such corporation for a supply of water. Any municipal corporation, by its water department, may make such a sale or enter into such a contract to supply water to a city or town.

G. L. (Ter. Ed.), 40, § 38, amended.

Purchase of existing water supply by cities and towns.

A city or town having a water supply or water distributing system may develop and use any source of water supply within its limits, not already appropriated for purposes of public water supply, and for such purpose may proceed under any laws applicable to such system as though the authority granted hereby had been contained in such laws; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the department of public health.

SECTION 3. Said chapter forty is hereby further amended by inserting after section thirty-nine, as so appearing, the

G. L. (Ter. Ed.), 40, new sections