

and qualified; and thereafter such town shall, at its annual town meeting, choose in the same manner one person who shall hold office for three years from the first Monday of April then next ensuing, and until another is chosen and qualified in his stead. If no such board is chosen the selectmen shall constitute such board of health.

Repeal.

SECTION 2. Section two of said chapter two hundred and eighteen is hereby repealed.

*Approved June 14, 1894.*

**Chap. 474** AN ACT TO PROVIDE FOR THE PURCHASE OF THE PROPERTY OF THE NEWBURYPORT WATER COMPANY BY THE CITY OF NEWBURYPORT.

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

City of Newburyport may purchase property of Newburyport Water Company, etc.

SECTION 1. If, within thirty days after the passage of this act, the Newburyport Water Company shall notify the mayor of the city of Newburyport in writing that it desires to sell to said city all the rights, privileges, easements, lands, waters, water rights, dams, reservoirs, pipes, engines, boilers, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said company and used in supplying said city and the inhabitants thereof with water, said city shall not proceed to supply water to itself or its inhabitants, under the authority of chapter four hundred and seventy-one of the acts of the year eighteen hundred and ninety-three, unless it shall have first purchased of said company the property aforesaid; and said company is authorized to make sale of said property to said city, and said city is authorized to purchase the same. Whenever said city shall, by a majority vote of the legal voters of said city present and voting thereon at a meeting called for that purpose, vote to purchase said property, notice of the desire of said company to sell the same having been given as hereinbefore provided, said company shall within twenty days after the vote aforesaid execute and deliver to said city proper deeds and instruments in writing, conveying to said city the property aforesaid, and said property thus conveyed shall thereupon become the property of said city, and said city shall pay to said company the fair value thereof, to be ascertained as hereinafter provided. If at the first meeting a majority of the voters present and voting do not vote to purchase said property other meetings may be called and held therefor.

In case the said city and the said company shall be unable to agree upon the value of said property the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners, two of whom shall be skilled engineers and the third learned in the law, who shall determine the fair value of said property for the purposes of its use by said city, and whose award, when accepted by the court, shall be final. Such value shall be estimated without enhancement on account of future earning capacity or good will, or on account of the franchise of said company.

Commissioners may be appointed to determine value of property, etc.

SECTION 2. In case said Newburyport Water Company shall convey its property to the city of Newburyport, in accordance with the provisions of the preceding section, said city shall manage and use the property thus conveyed for the purposes and under the provisions of chapter four hundred and seventy-one of the acts of the year eighteen hundred and ninety-three.

Management and use of property in case of conveyance to city.

SECTION 3. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount sufficient for such purpose; such bonds, notes or scrip shall bear on their face the words, Newburyport Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the city and countersigned by the water commissioners provided for by chapter four hundred and seventy-one of the acts of the year eighteen hundred and ninety-three. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, provided that such securities shall not be sold for less than the par value thereof. The city shall provide at the time of contracting said loan for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of such loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Newburyport Water Loan.

Sinking fund.

SECTION 4. In case said city shall, in violation of section one of this act, proceed to supply itself or its inhab-

Supreme judicial court to have jurisdiction in equity, etc.

itants with water before making the purchase aforesaid, the supreme judicial court shall, upon petition of said company, have jurisdiction in equity to enjoin said city from so doing until it shall have made such purchase.

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

*Approved June 14, 1894.*

**Chap. 475** AN ACT RELATIVE TO THE CALLING OF ELECTIONS IN THE CITY OF WORCESTER AND THE MANNER OF ELECTING CERTAIN CITY OFFICERS.

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

1893, 444, § 4,  
amended.

SECTION 1. Section four of chapter four hundred and forty-four of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out all of said section after the word "called", in the third line, and inserting in place thereof the words:—in the manner provided for calling elections in cities by chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto,—so as to read as follows:—*Section 4.*

Meetings of  
qualified voters.

All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal or legal purposes shall be called in the manner provided for calling elections in cities by chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto.

City council.

SECTION 2. The city council of the city of Worcester shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The four aldermen elected at the annual city election in the year eighteen hundred and ninety-three shall continue to hold their offices for the term of two years from the first Monday of January next following their election and until their successors are elected. At the annual city election in the present year four aldermen shall be elected at large, who shall hold their offices for the term of one year from the first Monday of January next following their election and until their successors are elected. From and after the first Monday of January in the year eighteen hundred and ninety-six the board of aldermen shall be composed of nine members, and at the annual city election in the year eighteen hundred and