

obtained not less than five hundred bona fide applications for membership, nor until it has deposited as a part of its emergency fund with the treasurer of the Commonwealth at least one thousand dollars in securities authorized by section eight of said chapter three hundred and sixty-seven.

SECTION 3. The foregoing provisions shall not apply to any fraternal beneficiary corporation which confines its membership to the employees of towns, cities, or of the Commonwealth, or of a designated firm, business house or corporation, or to the residents of any one town or city.

Not to apply to certain corporations.

SECTION 4. This act shall take effect on the first day of July in the year eighteen hundred and ninety-five.

To take effect July 1, 1895.

Approved April 30, 1895.

AN ACT TO PROVIDE FOR THE REBUILDING OF THE EASTERLY ABUTMENT OF ROCKS BRIDGE OVER THE MERRIMAC RIVER.

Chap.341

Be it enacted etc., as follows:

SECTION 1. The county commissioners for the county of Essex are hereby authorized and required, within six months after the passage of this act, to rebuild the easterly abutment of Rocks bridge over the Merrimac river. The cost of rebuilding said abutment shall not exceed three thousand dollars and shall be paid from the treasury of said county; and said commissioners may borrow temporarily upon the credit of said county such sums of money as may be required to carry out the provisions of this act.

Portion of Rocks bridge over Merrimac river to be rebuilt.

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

Approved April 30, 1895.

AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO INCREASE ITS WATER SUPPLY AND MAKE AN ADDITIONAL WATER LOAN.

Chap.342

Be it enacted, etc., as follows:

SECTION 1. The town of Westfield, for the purpose of providing an additional supply of water for the use of said town and its inhabitants, as authorized by chapter three hundred and twenty-two of the acts of the year eighteen hundred and seventy-three and acts in amendment thereof, may from time to time take and hold, by purchase or otherwise, and convey to any part of said town, the waters of any ponds, springs, streams, artesian or driven wells,

May take certain waters, lands, etc.

or filter galleries, within the limits of said town of Westfield, and the water rights and water sources connected therewith; also the waters of Munn's brook in Granville and the waters of any streams, springs and water sources within the watershed of said Munn's brook and its tributaries and confluents, and all water rights connected therewith; and may from time to time take and hold as aforesaid any lands, property, rights of way and easements that may be necessary or proper for holding, storing, conveying, distributing and preserving the purity of any of the waters aforesaid and for effectually carrying out the objects of this act; and may erect on any lands so taken proper dams, reservoirs, storage basins, fixtures, structures, machinery and apparatus, may make such excavations and embankments and provide such other means as may be necessary or advisable for said purposes, and may construct and lay down such conduits, canals, pipes or other works, under, through or over any lands, water courses, railroads and public or private ways in said Westfield and in such other towns as may be necessary or available for said purpose; and for all proper purposes of this act may dig up any such lands and any such public or private ways in such manner as to cause the least hindrance to public travel.

May erect reservoirs, lay down pipes, etc.

Description of lands, etc., to be recorded.

SECTION 2. Said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of said town.

Damages.

SECTION 3. Said town shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way, water, water source, water rights or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when lands are taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other

injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water or water rights or for any injury thereto until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 4. In every case of a claim for damages, as provided herein, the town may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the same, with the costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender or such payment into court, and not afterwards, unless he shall recover greater damages than were so offered; and said town shall be entitled to recover its costs afterwards unless the complainant shall recover greater damages than were so offered.

Town may tender a specified sum, etc.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes or scrip shall be signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners, and shall be denominated on the face thereof, Westfield Water Loan, Act of 1895, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest, not exceeding six per cent. per annum, as said town may determine. Said town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said town shall raise annually by taxation the amount required to meet such interest and the proportion of the principal payable annually.

Westfield Water Loan, Act of 1895.

SECTION 6. If any person shall use any of said water taken or obtained under this act without the consent of

Penalty for corruption of water, etc.

said town, or shall wantonly or maliciously divert the water or any part thereof so taken or obtained, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town under the authority and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or imprisonment in jail not exceeding one year.

Certain rights,
etc., not
abridged.

SECTION 7. This act shall not abridge any rights heretofore granted to said town in respect to its water supply; and the powers specified in this act shall be held to be in addition to all powers heretofore granted.

Water commis-
sioners, rights
and powers.

SECTION 8. The water commissioners of said town shall have and exercise, in relation to the further water supply and rights authorized and granted by the provisions of this act, similar rights and powers to those now vested in and exercised by them relative to the existing water supply of said town.

Rights of town
of Granville not
affected.

SECTION 9. This act shall not abridge or affect any rights of the town of Granville to take and use at any time as a water supply for said town the waters of any of the branches or tributaries of Dickinson brook.

Town of West-
field to construct
system of
sewerage in
Granville.

SECTION 10. The town of Westfield shall, at its own expense, within one year from the time of taking the waters of said Dickinson brook under the provisions of this act, provide and construct in the town of Granville a system of sewerage acceptable to the state board of health, sufficient to properly remove the sewage of said town from said Dickinson brook or its branches.

SECTION 11. This act shall take effect upon its passage.

Approved April 30, 1895.

Chap. 343

AN ACT RELATIVE TO THE BOARD OF POLICE OF THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

Board of police
of the city of
Fall River,
powers and
duties.

SECTION 1. The board of police of the city of Fall River shall exclusively exercise in said city the powers and perform the duties given to and imposed upon the mayor and aldermen of cities by chapter one hundred of the Public Statutes relative to intoxicating liquors, and by chapter