

same was in when such digging was commenced; may make such surveys and borings and do such other preliminary work on private lands as it may determine to be necessary or desirable, doing as little damage as possible and paying for the same; may enter upon and use land owned by others and, so far as practicable, shall heed all reasonable requests made by such owners; and in general may do any other act or thing necessary or proper for carrying out the powers and duties conferred upon it by this act.

May make surveys on private lands, etc., may enter and use land of others, etc.

General powers.

The commission shall have exclusive right and control during construction and until turned over to the metropolitan district commission or to others as authorized in this act, of all properties, ponds, water sources, cemetery sites and other works of every description purchased or taken by the commission or constructed by it under this act, and may order any or all persons to keep from entry in or upon the same and shall, through their agents, have full power to carry out these provisions with respect thereto, and the courts having jurisdiction shall have full authority for the enforcement of the provisions of this section.

Commission to have exclusive right and control during construction of all properties, etc., purchased or taken.

Court enforcement.

The commission shall provide, or may agree with the local authorities in any town in which work is done under this act to pay for such additional police protection as is made necessary by the doing of such work.

Additional police protection.

No town within which are included the areas of Enfield, Greenwich or Prescott taken in fee for reservoir purposes or for reservoir protection shall be required after the completion of the reservoir to bear any costs of or expenses for schools, policing or fire, gypsy moth or other insect pest protection within said reservoir areas described in this paragraph.

No town taken in fee for reservoir purposes required to bear certain expenses.

SECTION 12. Any town, other than Enfield, Greenwich or Prescott, from which any property which it holds in its private or proprietary capacity is taken under this act or which is otherwise constitutionally entitled to compensation for damage suffered under this act, may recover such damage from the commonwealth, in the manner provided by section four of this act.

Recovery for damages by any town from which property is taken under act, etc., except, etc.

SECTION 13. Upon the expiration of thirty days from the recording of an order of taking as provided by section four of this act by which taking, together with previous purchases or takings as provided by said section four, of land in the towns of Enfield, Greenwich and Prescott, the whole or a substantial part of said towns is taken, and after notice thereof to the towns to be affected by annexation as hereinafter described in this section, the territory within the towns of Enfield, Greenwich and Prescott shall be annexed to the adjacent towns, and to the counties in which such adjacent towns are located in the following manner:

Annexation of territory within towns of Enfield, Greenwich and Prescott to adjacent towns and to counties in which such adjacent towns are located.

(a) There shall be annexed to the town of New Salem, and thereby to Franklin county, those portions of the towns of Prescott, Greenwich and Enfield, being portions of Hampshire county, bounded as follows: beginning at the inter-

Annexation to town of New Salem and thereby to Franklin county, of

certain portions of towns of Prescott, Greenwich and Enfield.
Boundaries.

section of the boundary lines of the towns of New Salem, Prescott and Shutesbury and following the existing channel of the west branch of the Swift river in a general southerly direction to its confluence with the Swift river; thence following the existing channel of the Swift river and its middle branch in a general northeasterly direction to the point where it is crossed by the boundary line between the towns of Prescott and Dana; thence following the boundary line between the towns of Prescott and Dana in a general northerly direction to its intersection with the boundary line of the town of New Salem; thence following the boundary line between the towns of New Salem and Prescott in a general westerly direction to the point of beginning.

Annexation to town of Dana, and thereby to Worcester county, of certain portions of towns of Prescott and Greenwich.
Boundaries.

(b) There shall be annexed to the town of Dana, and thereby to Worcester county, those portions of the towns of Prescott and Greenwich, being portions of Hampshire county, bounded as follows: beginning at the point where the middle branch of the Swift river crosses the boundary line between the towns of Dana and Prescott and following the existing channel of said middle branch in a general southerly direction to its confluence with the east branch of said river; thence following the existing channel of said east branch in a general northeasterly direction to the boundary line between the towns of Greenwich and Hardwick; thence following the boundary line between the towns of Greenwich and Hardwick in a general northeasterly direction to its intersection with the boundary line of the town of Dana; thence following the boundary line between the towns of Dana and Greenwich in a general northerly direction to its intersection with the boundary line of the town of Prescott; thence following the boundary line between the towns of Dana and Prescott in a general northerly direction to the point of beginning.

Annexation to town of Hardwick, and thereby to Worcester county, of certain portion of town of Greenwich.
Boundaries.

(c) There shall be annexed to the town of Hardwick, and thereby to Worcester county, that portion of the town of Greenwich, being a portion of Hampshire county, bounded as follows: beginning at the most westerly corner stone on the boundary line between the towns of Hardwick and Greenwich located about two thirds of a mile southerly from the outlet of East pond; thence running due west to the existing channel of the east branch of the Swift river; thence following the existing channel of said east branch in a general northeasterly direction to its intersection with the boundary line between the towns of Hardwick and Greenwich; thence following said boundary line between the towns of Hardwick and Greenwich in a general southerly direction to the point of beginning.

Annexation to town of Ware of certain portions of towns of Greenwich and Enfield.

(d) There shall be annexed to the town of Ware those portions of the towns of Greenwich and Enfield, all of said towns being in Hampshire county, bounded as follows: beginning at the aforesaid most westerly corner stone on the

boundary line between the towns of Hardwick and Greenwich located about two thirds of a mile southerly from the outlet of East pond; thence running due west to the existing channel of the east branch of the Swift river; thence following the existing channel of said east branch and of the Swift river in a general southwesterly direction to the intersection of the boundary line of the towns of Ware, Belchertown and Enfield; thence following the boundary line between the towns of Ware and Enfield in a general easterly direction to its intersection with the boundary line of the town of Hardwick; thence following the boundary line between the towns of Hardwick and Enfield in a general northerly direction to its intersection with the boundary line of the town of Greenwich; thence following the boundary line between the towns of Hardwick and Greenwich in a general northerly direction to the point of beginning.

Boundaries.

(e) There shall be annexed to the town of Belchertown that portion of the town of Enfield, both of said towns being in Hampshire county, bounded as follows: beginning at the intersection of the boundary lines of the towns of Belchertown, Pelham and Enfield; thence running due east to the existing channel of the west branch of the Swift river; thence following the existing channel of said west branch and of the Swift river in a general southerly direction to the boundary line between the towns of Belchertown and Enfield; thence following the boundary line between the towns of Belchertown and Enfield in a general northwesterly direction to the point of beginning.

Annexation to town of Belchertown of certain portion of town of Enfield.
Boundaries.

(f) There shall be annexed to the town of Pelham that portion of the town of Enfield, both of said towns being in Hampshire county, bounded as follows: beginning at the intersection of the boundary lines of the towns of Belchertown, Pelham and Enfield; thence running due east to the existing channel of the west branch of the Swift river; thence following the existing channel of said west branch in a general northerly direction to the intersection of the boundary lines of the towns of Prescott, Pelham and Enfield; thence following the boundary line between the towns of Pelham and Enfield in a westerly and southerly direction to the point of beginning.

Annexation to town of Pelham of certain portion of town of Enfield.
Boundaries.

SECTION 14. All the property belonging to the towns of Enfield, Greenwich and Prescott shall upon the annexation of said towns to adjacent towns by authority of this act, vest in and become the property of the commonwealth for the benefit of the metropolitan water district, and the commonwealth shall succeed to all the rights, claims and causes of action of each of said towns, and shall assume and be liable for all the debts, obligations, trusts, duties and liabilities of each of said towns. All actions and causes of actions by or against the said towns of Enfield, Greenwich and Prescott pending or accrued, when such annexation takes effect, shall survive, and may be prosecuted to final

Upon annexation of Enfield, Greenwich and Prescott to adjacent towns, all property of said towns to vest in commonwealth, etc.

Pending actions, etc., by or against said towns, etc., shall survive.

Books, papers, monies, etc., to be turned over to commission. judgment and execution by or against the commonwealth. All books, papers, monies and other property in the possession of the treasurer of each of these three towns or of any town officer thereof shall be turned over to the commission at the time of said annexation, and the commission shall wind up and liquidate the affairs of each such town as speedily as possible. Upon the final liquidation of the affairs of the towns of Enfield, Greenwich and Prescott, the commission shall turn over such of the records of said towns respectively as are of permanent value to the towns of Belchertown, Dana and New Salem, respectively, and said records shall be preserved with the records of the town to which they have been so turned over.

Liquidation of affairs, etc.

Records, disposition.

Division of accounts to audit books and accounts of collector of taxes of each of towns of Enfield, Greenwich and Prescott, etc.

Duty of collector of taxes.

Annual reimbursement to adjacent towns for expenses incurred in relief or aid of certain persons, etc.

What constitutes annexation under act.

Jurisdiction of courts in prosecution of suits, proceedings, matters of probate, etc., pending or accrued, etc.

Upon such annexation the division of accounts of the department of corporations and taxation shall audit the books and accounts of the collector of taxes of each of the towns of Enfield, Greenwich and Prescott, respectively, and all taxes assessed for the year of such annexation and remaining uncollected, except taxes assessed upon property acquired by the commission under the second paragraph of section four of this act, to persons residing or property located within the territory annexed to another town shall be, by the assessors of the town in which such taxes were assessed, committed to the collector of taxes of the town to which such territory is by the provisions of this act annexed. It shall be the duty of any collector of taxes to whom any such taxes are committed to complete the collection of such taxes with legal interest and costs and pay over the same to the treasurer of the town for which he is the collector.

Upon the annexation to adjacent towns of the territory within the towns of Enfield, Greenwich and Prescott as set forth in this act, the commission or the metropolitan district commission shall yearly in the month of November reimburse each of said adjacent towns for all money paid out or expenses incurred under the laws of the commonwealth for the year preceding in the relief or aid of persons whose settlement was gained in whole or in part whether by original acquisition or derivation within the territory annexed to each of said towns respectively prior to the date of such annexation.

SECTION 15. Annexation under this act shall constitute the annexed territory part of the town and the county to which it is annexed with respect to the jurisdiction of the courts, as well as for all other purposes. All suits, proceedings, complaints and prosecutions, and all matters of probate, which shall be pending at the time of such annexation before any court or trial justice, or such matters as may be incident thereto, may however be heard and determined and prosecuted to final judgment and execution before such court or justice as if said annexation had not taken place; but upon such annexation taking place, the several courts and trial justices having jurisdiction over the respective towns to which the territory within said towns of Enfield,

Greenwich and Prescott is annexed shall have jurisdiction of all civil actions, matters of probate and insolvency and criminal prosecutions thereafter begun, although the cause of action has accrued, or crime, offense or misdemeanor has been committed, before such annexation, in the same manner and to the same extent as if such territory had been annexed prior to the accrual of the cause of action or the commission of the crime, offense or misdemeanor.

SECTION 16. An inhabitant of the town of Enfield, Greenwich or Prescott, when annexed to an adjacent town by authority of this act, who remains upon the annexed territory, or who removes to a place within the limits of the town to which the land upon which he resided has been annexed, as such limits existed prior to such annexation, shall have the same right to vote at a town meeting in such town, or at an election of town officers, that he would have had if the annexed territory had constituted a part of said town for six months prior to such meeting or election.

Right to vote of inhabitants of towns of Enfield, Greenwich or Prescott, when annexed to adjacent town, etc.

SECTION 17. During any interval between the annexation of said towns of Enfield, Greenwich and Prescott and the taking possession of the land taken therein by the commission under this act, the commission shall maintain the public ways, public schools and other public works and public institutions in said towns to such extent and in such manner as the commission may deem necessary for the convenience, comfort and welfare of the inhabitants remaining therein.

Commission to maintain public ways, public schools, etc., during interval between annexation and taking of land.

SECTION 18. No person shall acquire against the commonwealth any rights by prescription or adverse possession in any lands or rights in lands of the commonwealth acquired by the commission under the provisions of this act or of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six.

No person to acquire against state any rights by prescription, etc., in lands of state acquired by commission.

SECTION 19. The commission may at any time sell at public or private sale, or exchange or lease any property, real or personal, or any easement or water right including any land in new cemeteries provided for in section nine of this act, whether taken by eminent domain or otherwise acquired, which in the opinion of the commission is no longer needed for the purposes of this act. Any sums of money so received shall be applied by the state treasurer to construction costs or to reduce the bonded indebtedness for the works. The commission, and after said works have been turned over to the metropolitan district commission, the metropolitan district commission, may by lease, license or contract permit the construction and maintenance on or over any land or waters under its control, of towers, poles, wires and other structures for the purpose of transmitting electric power, and may construct, maintain and operate such power plants and other structures as may in its opinion be necessary to utilize the fall of water created at any of the dams, channels, tunnels, or other structures under its control, for the production of power or electricity;

Sale, exchange or lease of property no longer needed, etc.

Disposition of money received.

Commission may permit construction and maintenance of electric transmission lines, etc.

May construct, etc., power plants.

May use, sell, etc., power or electricity, etc.

Certain provisions of law applicable to certain land acquired in fee by commission, except, etc.

Commission to pay sum in lieu of taxes to Enfield, Greenwich and Prescott until annexation.

Subsequent to annexation, commission not to pay taxes, etc.

Reimbursement to Hampshire county for loss of taxes, etc.

Commission may make settlement by payment of liquidated amount.

Taking of water from Swift river by any town or fire or water district on water shed of Swift river, etc.

Payment to state for damages caused by taking, etc.

Payment of proportionate part of cost

may locate, construct and maintain lines for transmitting the same; and may use, sell or contract for the sale or use of any power or electricity so created, and any sums of money so received shall be applied to reduce the charges of maintenance of the metropolitan water district.

SECTION 20. The provisions of sections six and seven of chapter fifty-nine of the General Laws shall be applicable to land acquired in fee by the commission under this act for reservoir purposes or for the protection of the reservoir except to land within the present limits of the towns of Enfield, Greenwich and Prescott. On the land in these three named towns acquired previous to the date of their annexation, the commission shall pay to each said town in which the respective land is located until such time as the annexation of said town, as provided in section thirteen of this act, a sum in lieu of taxes computed and paid as provided in said sections six and seven of said chapter fifty-nine, but including for this period the buildings and structures thereon. Subsequent to said annexation neither the commission nor the metropolitan district commission shall pay any taxes or make any payments in lieu of taxes on land or buildings within the present limits of the said towns of Enfield, Greenwich and Prescott.

As full compensation for any loss of taxation or any other loss caused by the carrying out of the provisions of this act, the commission shall pay to the county of Hampshire the sum of fifty-five thousand dollars, which sum shall be paid at the time of the annexation of the towns of Enfield, Greenwich and Prescott to adjacent towns.

SECTION 21. Whenever by the provisions of this act the commission is required to make annual payments over a period of years, it may by agreement with the parties interested make a settlement by payment of a liquidated amount, if it deems it advisable so to do.

SECTION 22. Any town or fire or water district on the water shed of the Swift river may take from this river above any dam constructed under this act across said river so much of the water thereof as it has already been or may hereafter be authorized by the legislature to take for supplying its inhabitants with water, and in case any such town or district shall hereafter on its application therefor be authorized to take such water, the point of connection with and entrance into said river or any pond, reservoir or waters thereof and the location of any pipes, aqueducts, conduits, wells or other water courses laid or constructed on land of the commonwealth shall be determined by agreement between such town or district and the metropolitan district commission, and such town or district shall pay to the commonwealth for the account of the metropolitan water district, all damages to the land, structures or other property of the commonwealth caused by such taking, connection or entrance; and it shall further pay to the commonwealth for the account of the metropolitan water district, a fair

proportion of the cost incurred by the commonwealth for the acquisition under the provisions of this act of the waters of said river, or rights therein, and for the construction, maintenance and operation of such works and structures as are authorized by this act, including a fair proportion of the cost of maintaining the purity of said water, the said damages and proportion to be determined by the metropolitan district commission and by such applicant town or district, and, if they cannot agree, such damages and proportion shall be determined by a master to be appointed by the supreme judicial court on petition by the commonwealth or said applicant town or district, and the report of the master, when affirmed by said court, shall be final and conclusive upon all parties.

incurred by state for acquisition of waters of Swift river, etc.

In case of disagreement, damages to be determined by master, etc.

SECTION 23. No persons shall, after the passage of this act, erect a dam for mill purposes across the Swift river, or any of its tributaries above the village of Bondsville, without the consent in writing of the commission, or, after said works have been turned over to the metropolitan district commission, of said metropolitan district commission. In granting its consent, either commission may impose such conditions as it may deem to be for the public interest. Any person who is constitutionally damaged in his property by the refusal of such consent or by the imposition of such conditions, may recover from the commonwealth the damage so caused in the manner provided in section four of this act.

Restrictions as to erection of mill dams across Swift river, etc.

Recovery of damages caused by refusal of consent for erection of such dams, etc. Court enforcement of provisions of act.

SECTION 24. The supreme judicial court or any justice thereof and the superior court or any justice thereof, during a sitting of the court or in vacation, on the petition of the commission or of any city, town, corporation or person interested, or of the attorney of any such petitioner, shall have jurisdiction in equity or otherwise to enforce the provisions of this act and of any rule, regulation or order made under the authority of the same and to prevent any violation of said provisions, rules, regulations or order; provided, however, that no suit in which the right of the commission to make any taking authorized by this act is questioned shall be brought except in the supreme judicial court for the county in which said taking has been made or is to be made, nor unless the said suit is brought within six months after the passage of this act.

Proviso.

If any part, subdivision or section of this act shall be declared unconstitutional the validity of its remaining provisions shall not be affected thereby.

Unconstitutionality of any part of act not to affect remaining provisions.

SECTION 25. All general laws relating to the water supplies of cities and towns or the lands and other property used for such supplies and the provisions of sections ten to twenty-three, inclusive, of chapter ninety-two of the General Laws shall in so far as they are not inconsistent with the provisions of this act apply to and be observed in carrying out the purposes of this act. The provisions of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six shall continue in force

Certain provisions of general laws applicable.

1926, 375, to continue in force, except, etc.

except as modified by the provisions of this act, but nothing in this act shall be held to authorize any taking or diversion of the waters of the Ware river in excess of that authorized under the provisions of said chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six.

Filing of petition in equity by any church or religious society in towns of Dana, Enfield, Greenwich, New Salem or Prescott for discontinuance of services of worship, etc.

Authorization by court of conveyance by deed of all real and personal property, etc.

When church or religious corporation shall be deemed to be dissolved.

Right to damages if property conveyed pursuant to decree is taken, etc.

Court to ascertain certain facts before entering decree, etc.

SECTION 26. Any church or religious society established in the towns of Dana, Enfield, Greenwich, New Salem or Prescott may within five years from the passage of this act file in the probate court or in the supreme judicial court for the county in which such town is located a petition in equity representing that by reason of the construction of the reservoirs and other works contemplated by this act it will be impracticable for such church or religious society thereafter to continue its services of worship or otherwise to carry out the purposes for which it was established and thereupon, after such notice to the attorney general and other persons interested as the court in which such petition is filed may direct, said court may authorize such church or religious society to convey by deed all property real and personal held by it for its own purposes or upon any trust (including the beneficial interest in any trust property held for the benefit of such church or religious society, also any and all contingent rights and interests and any right to damages vested in such church or religious society under the terms of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six or under the terms of this act) to such appropriate person or corporation as the court may determine, to be held and administered by such person or corporation in such manner and upon such trusts as the court may designate and may further direct that upon the making of such conveyance and upon the filing of a certified copy of the deed and of the decree authorizing the same in the office of the secretary of the commonwealth such church or religious corporation shall be deemed to be dissolved. If any property conveyed pursuant to a decree entered upon such petition shall thereafter be taken under the provisions of either of said acts, the person or corporation to which such property shall have been so conveyed shall have the same right to damages as such church or religious society would have had if it had not conveyed such property. Before entering a decree as hereinbefore provided, the court shall ascertain whether any rights by way of reverter or otherwise are vested in any person or corporation in any property held by or for the benefit of such church or religious society upon the dissolution of such church or religious society, the discontinuance of its activities, its ceasing to use said property or any other contingency, and, if it shall appear that a conveyance of any such property as hereinbefore provided would be inconsistent with any such rights, the court, if any action appears to be necessary in order to effect a lawful and complete disposition of such property, shall direct that

the same be conveyed to the person or corporation found to be entitled thereto in the existing state of things or devise a plan for the application thereof in a manner consistent with such rights. The remedies hereby given shall be in addition to any remedies afforded by existing law.

SECTION 27. For the purpose of carrying out the provisions of this act, the commission may expend such amounts not exceeding in the aggregate fifty million dollars, as may from time to time be approved by the governor and council. To meet such expenditures, the state treasurer shall, from time to time, on the request of the commission and subject to such approval, issue bonds of the commonwealth to an amount not exceeding the sum of fifty million dollars, which shall be a further addition to the loans authorized by section eight of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, and by section six of chapter one hundred and eleven of the acts of nineteen hundred and twenty-seven.

Expenditures by commission, limit, etc.

Such bonds shall be issued as coupon or registered bonds, for such term of years as may be recommended by the governor, in accordance with section three of Article LXII of the amendments to the constitution, and shall bear interest at such rate as shall be fixed by the state treasurer, with the approval of the governor and council. The amounts necessary to meet interest and serial payment requirements on said bonds and the expenses of maintaining and operating the works to be constructed by the commission under this act, and such other expenses as may be authorized hereunder, shall be added to the annual assessments upon the cities and towns comprising the metropolitan water district and apportioned and collected as provided by section twenty-six of chapter ninety-two of the General Laws.

Term of bonds, etc.

Approved April 26, 1927.

AN ACT AUTHORIZING THE TOWN OF NATICK TO PAY A SUM OF MONEY TO JAMES J. DOYLE.

Chap. 322

Be it enacted, etc., as follows:

For the purpose of promoting the public good, the town of Natick may pay to James J. Doyle, who faithfully served said town for twenty years as a call fireman and is now incapacitated for further service by reason of injuries sustained on June twenty-third, nineteen hundred and eighteen, while in the performance of his duty as such, the sum of two thousand dollars.

The town of Natick may pay a certain sum of money to James J. Doyle.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives April 27, and, in concurrence, by the senate, April 27, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)