

city, state or national, shall not affect his right to vote or take part in the caucuses of any such municipal party.

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

Approved March 29, 1904.

Chap. 192 AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR THE ASSESSMENT OF DAMAGES ARISING FROM THE IMPROVEMENT OF WALTER STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Time for filing petitions for assessment of certain damages in the city of Boston extended.

SECTION 1. The time within which any person may file his petition in the superior court for damages arising from any taking of land or from any change of grade of streets in the relocation and reconstruction of Walter street in the West Roxbury district of the city of Boston, made in accordance with the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto, is hereby extended to the first day of July in the year nineteen hundred and four. But interest shall not be reckoned upon damages before the petition is filed.

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

Approved March 29, 1904.

Chap. 193 AN ACT TO INCORPORATE THE OXFORD WATER COMPANY.

Be it enacted, etc., as follows:

Oxford Water Company incorporated.

SECTION 1. Lawrence F. Kilty, Charles H. Willington, Alfred M. Chaffee, Herbert V. Chaffee, Joseph L. Brown, Byron Clark, Leonard E. Thayer, Henry A. Larned, James B. Campbell, George E. Chaffee, David N. Taft, Harold Parker and Flourith H. Darling, their associates and successors, are hereby made a corporation by the name of the Oxford Water Company, for the purpose of supplying the town of Oxford and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other proper purposes.

May take certain waters, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take, or acquire by purchase or otherwise, and hold, as provided in the following section, the waters of any pond, brook, spring, existing aqueducts, or any stream, within the limits of said town, except the Meanexit or French river, and may take water by means of bored, driven, artesian or other wells, to be constructed on any land

within the limits of said town, together with any adjacent lands which may be necessary for the preservation of the purity of the water, and such land as may be necessary for any reservoir, standpipe or pumping station; also the lands, rights of way and easements necessary for preserving and holding said water and for conveying the same over or under private lands and public or private ways, and, on approval of the board of railroad commissioners, over and under railroads and railways, if necessary for the purposes aforesaid: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the advice and approval of the state board of health.

Proviso.

SECTION 3. Said corporation shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester, a description and map thereof, sufficiently accurate for identification, with a statement signed by the president and treasurer of the corporation of the purpose for which the same were taken. The recording shall operate as a taking of the real estate and rights and easements therein described.

Description of lands, etc., to be recorded, etc.

SECTION 4. Said corporation may also, by lease or purchase, acquire for its purposes other sources of water supply and other lands and water power for the purpose of operating pumping stations.

May acquire other sources of water supply, etc.

SECTION 5. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value twenty-five thousand dollars. Its capital stock shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each. If necessary for the purposes of said corporation an increase of capital stock may be authorized by the commissioner of corporations, in the manner provided in sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws. The corporation may issue bonds and secure the same by mortgage of its franchise and other property: *provided*, that the total amount of such bonds shall not exceed the amount of its capital stock actually paid in. Such bonds 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 five per cent per annum, and shall be denominated on the face thereof, Oxford

Real estate.

Capital stock.

May issue mortgage bonds.
Proviso.

Oxford Water Company Loan.

Water Company Loan. They shall be issued only in such amounts as may from time to time upon investigation by the commissioner of corporations be deemed by him to be reasonably requisite for the purposes for which such corporation is established. A certificate setting forth the decision of the commissioner shall be filed in the office of the secretary of the Commonwealth before the bonds are issued, and the proceeds shall be applied to such purposes as may be specified in the decision of the commissioner.

Certificate to be filed before bonds are issued, etc.

Location of pipes, etc.

SECTION 6. The company may construct and maintain its main and distributing pipes in and under any public ways in said Oxford, first obtaining the direction of the selectmen as to where the main line of water pipe shall be located on any street. The construction and repairs shall be so carried on as not to prevent the convenient passage of vehicles.

Damages.

SECTION 7. Any person sustaining damage by reason of any taking of property or other act done under authority of this act may have the damage assessed in the manner provided in chapter forty-eight of the Revised Laws.

Distribution of water, etc.

SECTION 8. Said corporation may distribute water in the town of Oxford, may make all reasonable regulations concerning the use of water, and may fix and collect rates to be paid therefor; may make contracts with the town or with any fire district which may hereafter be established therein, or with any individual or corporation; and may supply water for the extinguishment of fires, or for any other purpose for which water is ordinarily supplied, and may establish public fountains and hydrants and relocate and discontinue the same.

Town of Oxford may take franchise, property, etc.

SECTION 9. The town of Oxford shall have the right at any time to take by purchase or by the exercise of the right of eminent domain, the franchise, property, rights and privileges of said corporation on payment of the actual cost thereof; and unless the dividends earned and declared by said company on its stock shall be equal to or in excess of five per cent per annum there shall be added to the first cost such a sum as will make the net return to the stockholders five per cent per annum on the investment. If said town shall so take said property it may as part payment assume any indebtedness of said corporation incurred in the construction or improvement of the property, by lawful issue of bonds secured by mortgage. Said corporation shall furnish to the town of Oxford, under

Statement of receipts and expenditures.

oath, an itemized statement of the cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said system and any extension thereof, and shall furnish to said town annually an itemized statement, under oath, of its receipts and expenditures and of the dividends paid on its stock, which shall be submitted by the selectmen to the citizens of the town at the annual town meeting. The authority to purchase or take the franchise and property of said corporation shall be exercised by said town only after the town has voted to purchase or take the same by a two thirds vote of the voters of the town present and voting thereon at a meeting legally called for that purpose. And the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the Worcester district of the county of Worcester a declaration of such taking, which shall include a certified copy of the article in the warrant under which the town acted, and of the vote of the town thereon showing that it was passed by a two thirds vote as herein required.

etc., to be furnished annually, etc.

SECTION 10. This act shall take effect, so far as the said corporation is concerned, upon its acceptance by a two thirds vote of the voters of the town voting thereon by ballot at a town meeting legally called for the purpose. If not so accepted when first submitted it may be resubmitted at subsequent town meetings legally called for that purpose: *provided*, that it shall not be voted upon by the town more than once in any one year. This act shall become null and void unless the corporation is fully organized and has begun the work of construction herein authorized within three years after the date of the passage of the act.

When to take effect.

Provided.

SECTION 11. So far as respects the submission of this act to the said town it shall take effect upon its passage.

Submission of act.

Approved March 31, 1904.

AN ACT RELATIVE TO REGULATIONS CONCERNING THE HEIGHT AND WEIGHT OF MEMBERS OF FIRE DEPARTMENTS. Chap. 194

Be it enacted, etc., as follows:

SECTION 1. No regulations concerning the height or weight of persons who shall be eligible to become members of the fire department in any city or town shall be made or enforced except by the city council of such city,

Height and weight of members of fire departments.