

AN ACT TO AMEND SECTION TEN OF CHAPTER NINETY-TWO OF THE
GENERAL STATUTES RELATING TO SUBSCRIBING WITNESSES TO
WILLS. Chap. 122

Be it enacted, &c., as follows:

SECTION 1. Section ten of chapter ninety-two of the
General Statutes is hereby amended by inserting after the
word "thereto," in the second line, the words "or to the
husband or wife of such subscribing witness." Competency of
witnesses to
wills.

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

Approved April 6, 1878.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A NARROW GAUGE
RAILROAD IN STERLING AND PRINCETON. Chap. 123

Be it enacted, &c., as follows:

Any railroad corporation which may be organized during
the years eighteen hundred and seventy-eight and eighteen
hundred and seventy-nine, in accordance with the pro-
visions of chapter three hundred and seventy-two of the
acts of the year eighteen hundred and seventy-four, for the
purpose of locating, constructing, maintaining and oper-
ating a narrow gauge railroad in Sterling and Princeton, may
locate and construct its railroad with a gauge of two feet
instead of three feet as established by the general law. Railroad may be
constructed
with a gauge of
two feet.

Approved April 9, 1878.

AN ACT TO SUPPLY THE TOWN OF BROCKTON WITH PURE WATER. Chap. 124

Be it enacted, &c., as follows:

SECTION 1. The town of Brockton is authorized to
supply itself and its inhabitants with pure water to extin-
guish fires, generate steam, and for domestic and other
uses; to establish fountains and hydrants; to regulate
their use and relocate or discontinue the same; and to fix
and collect rents for the use of said water. Water supply
for town of
Brockton.

SECTION 2. Said town for the purposes aforesaid may
take, hold and convey into and through the town of Brock-
ton the waters of Salisbury Brook and the tributaries there-
of, the springs, brooks and watershed of the meadows lying
near said Salisbury Brook and its tributaries, in said town
of Brockton and in the adjoining town of Stoughton; and
may take and hold by purchase or otherwise such land in
said towns of Brockton and Stoughton as may enable them
to construct one or more reservoirs for the storage of water
on that part of said brook at or near the dividing line
between said towns, and such other land in the town of
Brockton as may enable them to construct proper distribut-
ing reservoirs, and convey said water to the same, and May take and
hold land.

from the same to all parts of said town of Brockton, and such other land in either of said towns, not more than five rods wide on said brook and around said storing and distributing reservoirs, as may be necessary to protect the same and secure the purity of the water; may erect on said land proper dams, buildings, fixtures and other structures, and make excavations, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street, highway or other way, in such manner as when completed not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water-sources or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the counties of Plymouth and Norfolk respectively, descriptions thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.

May lay down conduits and pipes.

To file in the registry of deeds a description of the land taken.

Liability for damages.

Assessment of damages.

Parties aggrieved may apply for a jury.

Water loan not to exceed \$120,000.

SECTION 3. The said town of Brockton shall be liable to pay all damages sustained by any persons in their property by the taking of any lands, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person or persons sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Plymouth or of Norfolk by making a written application therefor within three years after the taking of such land or water-sources, or rights, or other injury done, as aforesaid, under this act, but not thereafter; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of

this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Brockton Water Loan," to an amount not exceeding one hundred and twenty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper; and said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues, and shall establish, at the time of contracting said debt, a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient with its accumulations, to extinguish the debt at maturity; and said sinking fund shall remain inviolate, and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same annually to the town.

Sinking fund to be established.

Water commissioners to be trustees of sinking fund.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property, held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Penalty for diverting water or rendering it impure.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, five persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to instructions of the town. At said meeting there shall also be elected by ballot, a board of three water commissioners, one to serve until the next annual meeting of the town thereafter, in March or April;

Five persons to be elected to contract for and superintend erection of works.

Three water commissioners to be elected.

one for a term one year longer; and the third for a term two years longer than the first: after which first election one member of said board as the term expires shall be elected at the annual meeting, to serve for three years. Said commissioners shall have charge of the water works when completed, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject to such instructions as the town may impose by its vote; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

No expenditure to be made until act is accepted.

SECTION 7. This act shall take effect from its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose; and this act shall be void unless so accepted by said town within three years from the date of its passage.

Approved April 9, 1878.

Chap. 125

AN ACT TO AMEND CHAPTER SIXTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, RELATING TO THE MAINTENANCE OF LAGOON BRIDGE BETWEEN THE TOWNS OF TISBURY AND EDGARTOWN.

Be it enacted, &c., as follows:

Maintenance and repair of bridge.

SECTION 1. The towns of Tisbury and Edgartown shall maintain and repair that portion of the bridge and draw over the canal or creek connecting Holmes' Hole harbor with Lagoon Pond, so called, lying within the limits of the respective towns.

Liability for damages.

SECTION 2. Said towns shall be respectively liable under the limitations of the law for damages resulting from defects in the portion of said bridge and draw which by this act they are severally required to maintain and repair.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1878.

Chap. 126

AN ACT TO AUTHORIZE THE APPOINTMENT OF TRUSTEES FOR THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Be it enacted, &c., as follows:

Trustees to be appointed.

SECTION 1. The offices of the trustees heretofore appointed under chapter forty-four of the Resolves of the