

kill it, or keep it thereafter from ever going at large, shall, on complaint, forfeit ten dollars; and any person may kill said dog when going at large, as if the same were not licensed.

*Approved May 5, 1865.*

**Chap. 198** AN ACT FOR SUPPLYING THE TOWN OF GREAT BARRINGTON WITH PURE WATER.

*Be it enacted, &c., as follows :*

Fire district, under commissioners, may take water of East Mountain Brook, and rights pertaining.

**SECTION 1.** The Great Barrington Fire District is hereby authorized by and through the agency of three commissioners, to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the village of Great Barrington, the water of East Mountain Brook, so called, flowing by the gun-shop now occupied by G. C. Crosby, and emptying into the Housatonic River, in said town of Great Barrington, and the waters which may flow into said brook, and any water rights connected therewith; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming reservoirs; and also may take and hold any land on and around said stream, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the town and village of Great Barrington, and for public purposes.

May take real estate for necessary purposes.

May build aqueducts, dams, reservoirs, fountains and hydrants and remove same.

**SECTION 2.** The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from the brook aforesaid, to, into and through the said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within and without the said village; may make and establish public fountains, and such public hydrants, in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water throughout the village; may regulate the use of said water, and establish the prices or rents to be paid therefor. And the said fire district may, for the purposes aforesaid, carry and conduct any aqueducts or other works, by them to be made and constructed, over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and

May regulate use of water.

May conduct works over or under any aqueduct or way.

for maintaining and repairing the same; and may do any other things necessary and proper in executing the purposes of this act.

SECTION 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections that are not specially otherwise provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the said district may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth; they shall respectively hold their said offices for the term of three years, next after their appointment, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time, by vote of two-thirds of the voters present at any legal meeting of the district; and, in case of a vacancy in the board by death, resignation or removal, such vacancy may be filled by the appointment of another commissioner in the manner aforesaid, who shall hold his office for the residue of the three years, with all the powers and subject to the restrictions aforesaid. A major part of said commissioners shall be a quorum to do business; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

SECTION 4. Before the appointment of the commissioners aforesaid, the said district shall establish the salaries or compensation to be paid to the commissioners for their services, and the said salaries or rate of compensation so established, shall not be altered during their continuance in said office.

SECTION 5. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years, or by the completion of the works as mentioned in the foregoing sections of this act, all the rights, powers and authority given to the said fire district by this act shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall from time to time ordain and direct.

SECTION 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their

Commissioners to be chosen by district: duties defined.

Tenure of office.

Vacancy in board how filled.

Quorum.

Annual report.

Salaries to be established before appointment.

Functions vested in commissioners to revert to district.

District to be liable for damages to persons.

property, by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes specified in this act. And if any person who shall sustain damage as aforesaid cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor within two years after the said water or water rights shall have been taken under this act; 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 the 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 in chapter forty-three of the General Statutes with respect to highways.

Party dissatisfied with award may have county commissioners within two years.

If aggrieved may have jury.

Powers and procedure defined.

Town may, for payment of costs, issue water scrip.

SECTION 7. For the purpose of paying all costs and expenses of such land, waters and water rights as shall be taken, purchased or held for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Great Barrington shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Great Barrington Water Scrip," to an amount not exceeding in the whole the sum of twenty-five thousand dollars, bearing interest at a rate not exceeding the legal rate of interest of this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates, respectively. All notes, scrip and certificates of debt to be issued as aforesaid, shall be signed by the treasurer of the town, and a record of all such notes, scrip and certificates shall be made and kept by the said treasurer; and the said fire district may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said fire district shall judge proper.

Amount.

Interest.

Payment.

Scrip, how issued and recorded.

District may sell or pledge.

Town may tax polls and estate for redemption of scrip.

SECTION 8. The town of Great Barrington is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by the said district as aforesaid.

Unauthorized use of water, remedy.

SECTION 9. If any person shall use any of the said water without the consent of the said district, an action of tort may

be maintained by the said district against him for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water, or any part thereof, of said brook, or of any streams or water-courses which shall be taken by the said district, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said district by the authority and for the purposes of this act, every such person shall forfeit and pay to the said district three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, moreover, may, on conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Diversion or corruption of water or injury to works, forfeiture defined.

Penalty, fine and imprisonment.

SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Great Barrington shall warn a meeting of the voters of said town within three months after, for the purpose of having said voters give in their written votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Meeting of voters of fire district upon acceptance of Act.

Two-thirds affirming, town to vote.

Town affirming. Act to be in force; otherwise void.

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

*Approved May 5, 1865.*

AN ACT TO INCORPORATE THE CHELSEA AND EAST BOSTON STREET RAILWAY COMPANY.

*Chap. 199*

*Be it enacted, &c., as follows:*

SECTION 1. Hosea Hsley, Nehemiah Boynton, James P. Farley, their associates and successors, are hereby made a corporation, by the name of the Chelsea and East Boston Street Railway Company; with all the privileges, and subject to all the duties, liabilities and requirements set forth in all general laws which now are or may hereafter be in force relative to street railway corporations.

Corporators.

Powers.

SECTION 2. Said company may, provided the mayor and aldermen of the cities of Boston and Chelsea shall determine to locate its tracks within their respective cities, construct, maintain and use a street railroad, with single or double tracks, with convenient and suitable turnouts, from the termination of the street railway known as the Suffolk Railroad,

May, with approval of mayor and aldermen of Boston and Chelsea, construct from termination of Suffolk road in East Boston to Chelsea.