

that on which, by law, the returns of said elections are to be opened and the votes counted. [*Approved by the Governor, May 13, 1852.*]

Chap. 210

An Act for supplying the Town of Pittsfield with Pure Water.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Pittsfield fire district authorized by three commissioners to take, convey, &c.

Lanckton or Ashley pond and waters connected, and may take and hold real estate as specified.

May make one or more aqueducts, &c., and maintain same, with various other acts and purposes specified.

SECT. 1. The Pittsfield 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 Pittsfield, the water of Lanckton or Ashley pond, so called, in the town of Washington, and the waters which may flow into and from the same, 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 may also take and hold any land on and around the margin of said Lanckton pond, and also on and around any stream flowing from said pond, 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 Pittsfield, and for public purposes.

SECT. 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from the pond 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 for maintaining and repairing the same;

and may do any other things necessary and proper in executing the purposes of this act.

SECT. 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 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.

Commissioners chosen by ballot.

Subject to rules and regulations of district.

Hold office three years, unless, &c.

May be removed by two thirds.

Vacancy may be filled.

Shall make report of their doings.

SECT. 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.

May establish salaries, &c.

SECT. 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.

When office of commissioners shall cease, the district shall exercise same rights, powers, &c.

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

District liable to pay all damages for land, water, &c.

County commissioners may assess damages in case of disagreement.

Aggrieved party may have a jury, &c.

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 twenty-four of the Revised Statutes with respect to highways.

Town of Pittsfield may issue notes, scrip, &c., to amount of \$50,000, interest semi-annually.

SECT. 7. For the purpose of paying all costs and expenses of such estates, 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 Pittsfield shall have authority to issue from time to time, notes, scrip, or certificates of debt, to be denominated on the face thereof "Pittsfield Water-Scrip," to an amount not exceeding in the whole the sum of fifty 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 countersigned by the chairman of the selectmen 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.

To be signed by town treasurer and chairman selectmen, and recorded.

Town of Pittsfield may assess sufficient to pay principal and interest of scrip, &c.

SECT. 8. The town of Pittsfield 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.

Penalty for diverting or corrupting the water.

SECT. 9. If any person shall use any of the said water without the consent of the said district, an action of trespass on the case, or 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 either the pond or 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.

May be punished by fine and imprisonment.

SECT. 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 Pittsfield 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. This act shall take effect from and after its passage. [Approved by the Governor, May 13, 1852.]

Meeting for the acceptance of this act, when and how held, &c.

Takes effect.

An Act respecting Bail Bonds in Civil Actions.

Chap. 211

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any sheriff or deputy sheriff required to take a bail bond in any civil action, may examine on oath, to be administered by him, the persons offered as sureties, as to their sufficiency. [Approved by the Governor, May 13, 1852.]

An Act concerning Trustees.

Chap. 212

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The judges of the supreme judicial court and the judges of the several courts of probate in their several counties, upon application of the parties (other than the trustee) beneficially interested in any trust estate, whether such

Judges of supreme judicial court, and of probate may on application