

AN ACT TO CONFIRM THE PROCEEDINGS OF THE FREE EVANGELICAL SOCIETY OF ATTLEBOROUGH. *Chap.187*

Be it enacted, etc., as follows :

SECTION 1. The proceedings of the Free Evangelical Society of Attleborough, a corporation duly organized on the twelfth day of June in the year eighteen hundred and sixty-five, shall not be invalid because the annual meetings of said society for the years eighteen hundred and seventy-nine and eighteen hundred and eighty were not called by the standing committee of said society.

Proceedings confirmed.

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

Approved April 28, 1884.

AN ACT TO AUTHORIZE SHERIFFS AND THEIR DEPUTIES TO ADJOURN SESSIONS OF DISTRICT AND POLICE COURTS. *Chap.188*

Be it enacted, etc., as follows :

SECTION 1. When no justice or special justice of a district or police court is present at the time and place appointed for holding a session of said court, the sheriff of the county or either of his deputies may adjourn the court from day to day or from time to time as circumstances may require, or as ordered by the justice or either of the special justices of said court, and shall give such notice of such adjournment as the court may by general or special order direct.

Sheriffs and deputies may adjourn sessions of district and police courts.

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

Approved April 28, 1884.

AN ACT TO ENABLE THE ATHOL WATER COMPANY TO IMPROVE AND INCREASE ITS WATER SUPPLY. *Chap.189*

Be it enacted, etc., as follows :

SECTION 1. The Athol Water Company of Athol, for the purpose of increasing the capacity and efficiency of its water works, is hereby authorized to take and hold, by purchase or otherwise, such lands in said town as may be necessary and convenient for erecting and maintaining an engine house, pumping station and reservoir; and may erect on the land thus taken or held proper buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may connect said works and structures with

The Athol Water Company may increase its water supply.

each other and with the present aqueducts in said town, and with any other aqueducts that may be hereafter laid.

May take waters of Silver Lake.

SECTION 2. Said water company, for the purposes aforesaid and to increase its supply of water, may take by purchase or otherwise, hold and convey into the reservoirs, aqueducts or other works now owned by said Athol Water Company, or authorized by this act, the waters of "Silver Lake," so called, and the water rights connected therewith and also all lands, rights of way and easements necessary for holding such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, reservoirs or other structures, and may make excavations and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the town in which any such ways are situated, may enter upon and dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

May dig up lands and ways.

To have recorded in the registry of deeds a description of the land taken.

SECTION 3. The said Athol Water Company shall, within sixty days after the taking of any lands, rights of way, water rights, water-sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds situate in the city of Worcester a description thereof sufficiently accurate for identification, with a statement of the purposes for which they were so taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water-source, water right or easement or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the

period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

No application for damages to be made until water is diverted.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corrupting or diverting water.

SECTION 6. The owners of lands and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security satisfactory to the board of selectmen of said town for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if upon petition of the owner, with notice to the adverse party, the security appears to the selectmen of said town to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Security for payment of damages to be furnished, if required.

SECTION 7. The town of Athol shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company, at a price which may be mutually agreed upon between said corporation and said town of Athol, and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be

Town of Athol may purchase corporate property.

Subject to assent by the town by a two-thirds vote.

binding upon both parties. And this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Work to be commenced within three years.

SECTION 8. This act shall take effect upon its passage, but shall become void unless said corporation within three years from the passage hereof shall avail itself of its provisions and commence a prosecution of the work herein authorized.

Approved April 28, 1884.

Chap. 190 AN ACT RELATING TO THE EXAMINATION OF CANDIDATES FOR DISTRICT POLICE.

Be it enacted, etc., as follows:

Examination of candidates by a judge of the superior court.

SECTION 1. So much of section one of chapter one hundred three of the Public Statutes as requires candidates for district police to be examined under the direction of a justice of the superior court is repealed.

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

Approved April 28, 1884.

Chap. 191 AN ACT RELATING TO WARRANTS IN CRIMINAL CASES.

Be it enacted, etc., as follows:

Issue of search warrant under P. S. 100, § 30.

SECTION 1. The warrant described in section thirty of chapter one hundred of the Public Statutes may be issued by any justice of the peace authorized to issue warrants in criminal cases.

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

Approved April 28, 1884.

Chap. 192 AN ACT TO ESTABLISH THE SALARIES OF THE JUDGE AND THE REGISTER OF THE PROBATE COURT FOR THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

Salary of judge.

SECTION 1. The judge of the probate court for the county of Berkshire shall receive an annual salary of sixteen hundred dollars.

Salary of register.

SECTION 2. The register of the probate court for the county of Berkshire shall receive an annual salary of sixteen hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1884.