

acts of the year nineteen hundred, is hereby extended to the first day of July in the year nineteen hundred and two. But interest shall not be reckoned upon damages before the petition is filed.

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

*Approved April 17, 1902.*

*Chap.*318 AN ACT TO ESTABLISH A FIRE DISTRICT IN THE TOWN OF COLRAIN.  
*Be it enacted, etc., as follows:*

Fire district in town of Colrain established.

SECTION 1. A fire district is hereby established in the town of Colrain, bounded as follows:—Beginning at bound number twenty of the county highway, location of eighteen hundred and ninety-six, said bound standing on the south bank of North river, so-called, westerly from the village of Colrain, and running thence south fifty-eight degrees thirty minutes east, twenty-seven hundred and eighty-five feet to a small bridge over Mountain brook southerly from said village on the Greenfield road, thence north thirteen degrees forty-five minutes east, twenty-one hundred and seventy-three feet to the southeast corner of the wooden highway bridge over said North river, lying northeasterly from said Colrain village, thence westerly along the southerly bank of said river to the place of beginning. Said fire district is hereby made a corporation under the name of The Colrain Fire District Number One.

Commissioners of hydrants, etc., election, term, etc.

SECTION 2. The legal voters of the said fire district shall within one year after the acceptance of this act, at a meeting called for the purpose choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, water tanks for fire purposes and street lamps. All of the commissioners shall be legal inhabitants of and voters in said district. Said commissioners shall serve until the next annual meeting of said fire district and until their successors are chosen and qualified, and said district shall thereafter at its regular annual meeting choose by ballot three commissioners, who shall serve during the ensuing year and until their successors are chosen and qualified. Said district shall have authority to fill any vacancy in said board at any district meeting regularly called for that purpose. The commissioners shall be sworn and shall receive no compensation.

Vacancy, etc.

SECTION 3. Said district may at a meeting called for that purpose raise money to carry out the provisions of this act, and said board shall expend the same for the purposes prescribed by vote of the district. Every member of said board shall be accountable to said district for any money received by him, and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not duly been appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same.

Appropriations and expenditures.

SECTION 4. The clerk of the district shall on or before the first day of May of each year certify to the assessors of the town of Colrain all sums voted under the provisions of this act to be raised by the district during the year last preceding, which sums shall be assessed and collected in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of the district.

Clerk of district to certify to assessors of town sums to be raised, etc.

SECTION 5. It shall be the duty of said board, under the supervision and direction of said district, to construct, reconstruct, erect, repair, maintain and have charge of all main drains constructed by it, and of all public lamp posts, street lamps and street hydrants in said fire district, as may be ordered by said district, and to keep maps and plans of all such main drains.

Commissioners to have charge of main drains, street lamps, hydrants, etc.

SECTION 6. Said fire district may for the purposes aforesaid take by purchase or otherwise and hold the waters of Mountain brook, so-called, in the town of Colrain, and the waters flowing into and from the same, as the said fire district may determine, together with any and all water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said fire district, and may erect on the land thus taken or held proper dams, 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 establish-

May take certain waters, lands, etc.

May erect structures, lay pipes, etc.

ment and maintenance of complete and effective water works, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways or public or private ways, and along such ways, in such manner as not unnecessarily to obstruct the same: *provided*, that no source of water supply shall be taken for domestic purposes under this act without the advice and approval of the state board of health. For the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said fire district may dig up any lands in which such ways are situated, and may enter upon and dig up said ways in such manner, under the direction of the selectmen of the town, as to cause the least hindrance to public travel.

Proviso, etc.

Description of land, etc., to be recorded.

SECTION 7. Said fire district shall within sixty days after taking any land, rights of way, water rights, water source or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purpose for which the same were taken.

Damages.

SECTION 8. Said fire district shall pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights, or by laying or maintaining any aqueducts or other works for the purpose aforesaid, or by the doing of any other act under authority hereof. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount thereof, may have them assessed in the manner provided by law with respect to land taken for laying out highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within three years after the time when the water is actually withdrawn or diverted, and not thereafter.

Colrain Fire District No. 1, Water Loan.

SECTION 9. The said fire district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding ten thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Colrain Fire District No. 1,

Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the fire district and countersigned by the chairman of the water commissioners hereinafter provided for. The said fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper.

SECTION 10. The said fire district shall establish a sinking fund and shall annually, beginning at the expiration of five years from the acceptance of this act by said fire district, contribute to such fund a sum sufficient with the accumulations to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; but the said fire district may instead of establishing such sinking fund pay the principal of said loan by annual instalments not exceeding two hundred dollars in any one year. The said fire district shall assess upon the estates, real and personal, in said fire district, and collect, a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works, and to pay the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund or payments on the principal as may be required under this act.

Payment of loan, etc.

SECTION 11. The town of Colrain may by a two thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose, guarantee the payment of said bonds, notes or scrip, provided such meeting is held within one year after the acceptance of this act by said fire district.

Town may guarantee payment of bonds, etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken under this act, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said district under authority of and for the purposes of this act, shall forfeit and pay to the said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and on conviction of any of the acts aforesaid may be punished by a fine of not less than

Penalty for corruption of water, etc.

twenty nor more than three hundred dollars or by imprisonment in jail for a term not exceeding one year, or by both such fine and imprisonment.

Water commis-  
sioners, elec-  
tion, terms,  
etc.

SECTION 13. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for the purpose, three persons shall be elected by ballot, to be a board of water commissioners. One of said commissioners shall be elected for the term of three years from the next succeeding annual meeting of said fire district, one for a term of two years and one for a term of one year, and thereafter one member of said board, as the term of each incumbent expires, shall be elected at the annual district meeting to serve for the term of three years. Said board of commissioners shall be trustees of the sinking fund herein provided for and shall have charge of the water works and may fix the price for the use of water, and may exercise all the rights, powers and authority granted to said district by this act, subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said board of commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in the board of commissioners from any cause may be filled for the unexpired term by said district at any legal district meeting.

Quorum.

Vacancy.

When to take  
effect, etc.

SECTION 14. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred hereunder except for preliminary surveys and estimates, until after the acceptance of this act by a vote of two thirds of the legal voters of said fire district present and voting thereon at a meeting called for that purpose within three years after the passage of this act; and the number of meetings called for that purpose in any one year shall not exceed two.

*Approved April 18, 1902.*

*Chap. 319* AN ACT TO AUTHORIZE THE DARTMOUTH AND WESTPORT STREET RAILWAY COMPANY TO CARRY BAGGAGE AND SMALL PARCELS OF MERCHANDISE, AND TO CONTRACT FOR THE USE OF THE TRACKS OF CERTAIN OTHER COMPANIES.

*Be it enacted, etc., as follows:*

May act as a  
common carrier  
of merchandise,  
etc.

SECTION 1. The Dartmouth and Westport Street Railway Company may act as a common carrier of baggage