

ford Academy, a corporation duly established under the laws of this Commonwealth and located in said town of Bradford, now enjoys for taking water from said Merri-mac River for the use and general purposes of said academy.

SECTION 12. This act shall take effect upon its passage.

*Approved April 4, 1884.*

**Chap. 137** AN ACT CONCERNING A WATER SUPPLY FOR THE FIRE DISTRICT OF THE TOWN OF DALTON.

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

Fire district of Dalton may supply itself with water.

SECTION 1. The fire district of the town of Dalton may supply itself and inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take waters from Cleveland and Egypt Brooks.

SECTION 2. The said fire district may, for the purposes aforesaid take, by purchase or otherwise, and hold the waters from the Cleveland brook, so called, or the Egypt brook, so called, in said town of Dalton, and other small brooks near the same, as the said fire district may determine, and the waters which flow into and from the same, together with any 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 town of Dalton; 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 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 fire district may dig up any such lands and under the direction of the board of selectmen of the town in which such ways are situated may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May lay down conduits and pipes.

May dig up highways under direction of the selectmen.

SECTION 3. The said fire district 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 for the registry districts within which such lands or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. Said fire district shall be liable to pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights by said fire district, or by the laying or maintaining of any aqueducts or other works for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount of such damages, may have them assessed in the manner provided by law with respect to land taken for highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

Liability for damages.

Application for damages not to be made until water is actually diverted.

SECTION 5. 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 in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words, "Dalton Fire District Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the fire district, be countersigned by the chairman of the prudential committee of said fire district, and by the chairman of the water commissioners. 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 purposes of this act, upon such terms and conditions as it may deem proper.

Dalton Fire District Water Loan.

May sell or pledge securities.

SECTION 6. The said fire district shall establish a sinking fund and shall annually, after three years from the passage of this act, contribute to such fund a sum sufficient with the accumulations to pay the principal of said

Sinking fund to be established.

loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose: *provided*, that the said town or fire district may instead of establishing said sinking fund, pay the principal of said loan by annual instalments not exceeding the sum of two thousand dollars in one year. The said fire district shall assess and collect upon the estates, real and personal, in said fire district by taxation 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 the interest as it accrues on the notes, scrip or certificates of debt 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.

May pay principal by annual instalments.

To raise by taxation sufficient for interest and current expenses.

Town upon a two-thirds vote may guarantee payment.

SECTION 7. The town of Dalton may, upon 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 notes, scrip or certificates, provided such meeting is held within one year from the acceptance of this act by said fire district.

Penalty for willfully corrupting or diverting water.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the 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 damage 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 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.

Water commissioners to be elected.

SECTION 9. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for this purpose, three persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who shall exercise all rights, powers and privileges for that purpose herein granted, subject however to instructions and directions of the fire district, who shall constitute a board of water commissioners; one of said three persons shall be elected for a term ending on the day of the annual meeting of said fire district, in April, eighteen hundred and eighty-five; one

for a term one year longer than the first; and one for a term two years longer than the first; after which first election 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. The said commissioners shall be trustees of the sinking fund herein provided for. Said board of commissioners shall have charge of the water works and may fix the price or rent for the use of water, and may exercise all the rights, powers and authority granted to said district by this act relative to such duties, subject however to such instructions, rules and regulations as said district may impose by its vote, and a majority of said board of commissioners shall constitute a quorum for the transaction of business relative to the water works and the sinking fund. Any vacancy occurring in said board of commissioners from any cause may be filled by said district at any legal district meeting, for the unexpired term.

To be trustees  
of the sinking  
fund.

Vacancies in  
board.

SECTION 10. This act shall take effect upon its passage; but no expenditure shall be made or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by a vote of two-thirds of the legal voters of said fire district present and voting thereon at a legal meeting called for that purpose within three years from the passage of this act; the number of said meetings called for that purpose in any one year not to exceed two.

No expenditure  
to be made until  
accepted by a  
two-thirds vote  
of the district.

*Approved April 7, 1884.*

AN ACT TO INCORPORATE THE NEW ENGLAND ASSURANCE ASSOCIATION.

*Chap. 138*

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

SECTION 1. Julius L. Clarke, Stillman B. Allen, Josiah S. Robinson, Eben D. Jordan, Charles Marsh, Moody Merrill, Albert Bowker, Nathaniel J. Bradley, John Spaulding, James M. Burgess, Emery O. Bicknell, Stephen H. Rhodes, Joel Goldthwait, and Frederick Pope, their associates and successors, are made a corporation by the name of the New England Assurance Association, for the purposes hereinafter set forth; said corporation to have its principal place of business in the city of Boston, and to be subject to the provisions of all general laws which now are or hereafter may be in force applicable thereto.

Corporators.

Name.