

three preceding years. All expenditures of money shall be subject to the approval of the mayor.

SECTION 5. The chief of the police force and the chief of the fire force may make such rules governing the discipline in their respective forces as the commissioner shall approve; but no such rule shall provide for punishment exceeding the loss of five days' pay. Nothing herein shall be construed to prevent the commissioner from making such additional rules and prescribing such penalties for violation of the same as he may deem advisable. Rules, etc.

SECTION 6. In case of the absence or disability of the commissioner, the chief of the police force and the chief of the fire force shall serve as acting commissioners of their respective forces. In case of the absence or disability of the commissioner and of either or both of said chiefs, the senior officer in the respective forces present for duty shall serve as acting commissioner of the respective forces. Acting commissioner.

SECTION 7. All the provisions of the civil service laws and regulations and all laws applying to police officers and firemen, except such as relate to the authority of the mayor and board of aldermen of the city, shall remain in full force and effect. Promotions shall be made only by competitive civil service examination and from the rank next inferior to the position to be filled. Provisions of civil service law to remain in force.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 9. This act shall take effect upon its passage.

Approved May 20, 1912.

AN ACT TO INCORPORATE THE NORTH EGREMONT WATER COMPANY. Chap. 612

Be it enacted, etc., as follows:

SECTION 1. Elmer L. Corthell, George Boice, Dwight F. Stillman, Eugene Brummel and Seeley Doty, their associates and successors, are hereby made a corporation by the name of the North Egremont Water Company for the purpose of supplying the inhabitants of the village of North Egremont, and other inhabitants of the town of Egremont whose dwellings are within a radius of one mile from the geographical centre of said village, with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the North Egremont Water Company incorporated.

duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

May take and hold certain waters.

SECTION 2. Said corporation for the purposes aforesaid, may take, hold and convey to, into and through the village of North Egremont the waters of Hollenbeck Spring, so-called, located on land of A. C. Sumner, in the town of Egremont, and of the tributaries thereof, with any water rights connected therewith, or said corporation may, by agreement with the South Egremont Water Company, take water from the said company and convey the same into and through the village of North Egremont and the adjacent territory as described in section one of this act. And the said North Egremont Water Company may take, or acquire by purchase or otherwise, and hold any real estate, rights of way or easements necessary for laying, constructing and maintaining aqueducts, pipe lines, reservoirs, storage basins, dams, and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing water to the said inhabitants, together with the right to take or purchase and hold any land in or around such spring or water sources as may be necessary for the preservation and purity of the same: *provided*, that the North Egremont Water Company shall not take the waters of said Hollenbeck Spring or of any tributary thereof for any purpose, without the advice and approval of the state board of health.

Proviso.

Taking to be recorded, etc.

SECTION 3. The said corporation shall, within sixty days after the taking of any spring, water rights, water sources, real estate, rights of way or easements as aforesaid, file and cause to be recorded in the office of the registry of deeds for the southern district of the county of Berkshire a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

May construct aqueducts, etc.

SECTION 4. Said corporation may construct one or more permanent aqueducts from the source or sources before mentioned into and through the said village, and may 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 said village; may establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change and discontinue the same; may distribute water throughout

the village and to the inhabitants aforesaid; may regulate the use of said water and establish the prices or rents therefor. And the said corporation may, for the purposes aforesaid, 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 conduits, pipes and other works under or over any lands, water courses, railroads, railways or public or private ways, and along any such ways, 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 enter upon and dig up any such lands, and, under the direction of the selectmen of the town in which any 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.

SECTION 5. Said corporation shall be liable for all damages to property sustained by any person by the taking of any land, water or water rights, or by the construction of any aqueducts or other works for the purposes specified in this act; and if any person sustaining damages as aforesaid cannot agree with said corporation upon the amount thereof, the same shall be ascertained and recovered in the manner now provided by law in the case of land taken for highways.

Damages.

SECTION 6. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid; and its capital stock shall not exceed five thousand dollars, to be divided into shares of one hundred dollars each.

May hold real and personal estate.

SECTION 7. The said corporation may issue bonds and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds, etc.

SECTION 8. Whoever corrupts, pollutes or diverts any water 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 the said corporation three times the amount of the actual damages, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts, shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Penalty for corrupting water, etc.

SECTION 9. The town of Egremont, or any fire district that may hereafter be established therein, shall have the right

The town of Egremont may purchase franchise, etc.

at any time during the continuance of the charter hereby granted to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price to be agreed upon by said town or fire district and the corporation; and the said corporation is authorized to sell the said property to the town or fire district as aforesaid. In case the corporation and the town, or fire district, are unable to agree as to the purchase price, the same shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other. The determination of the commissioners or a majority of them, when accepted by the court, shall be final and binding upon all parties. This authority to purchase said franchise and property is granted on condition that the purchase is assented to by the town or fire district by a two thirds vote of the voters of the town or fire district present and voting thereon at a meeting called for that purpose, and that all necessary arrangements shall have been made by special legislation or otherwise to provide for the payment of the purchase price, the election of proper town or fire district officers and such other matters as may be necessary to complete the transaction, and to carry out the purposes of this act.

Certain companies may unite, etc.

SECTION 10. The North Egremont Water Company and the South Egremont Water Company are hereby authorized to unite and form one corporation under the name of the Egremont Water Company, whenever a majority of the stockholders in number and amount of stock of each of said corporations at legal meetings of each of said corporations, separately held and duly called for the purpose, shall vote so to unite.

Rights, powers, etc., of the corporation formed by the uniting companies, etc.

SECTION 11. The new corporation shall have all the rights, powers, franchises and privileges held by, and be subject to all the liabilities, restrictions and duties imposed upon, either of said other corporations, save that the new corporation may distribute water to any of the inhabitants of the town of Egremont. Each of said corporations is authorized to assign, transfer and convey to said new corporation all its rights, privileges, interests, estates and property, and the new corporation is authorized to accept and hold the same, and shall thereupon become and be liable for all the debts, liabilities or obligations of both of said other corporations. The capital stock of the new corporation shall be the same as the whole amount of the capital stock of both

the uniting companies, and shall be divided into shares of one hundred dollars each, and the stockholders of the uniting corporations shall have equal rights and equal privileges and shall hold the same amount of stock in the new corporation which they held in the original corporations so uniting.

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

Approved May 21, 1912.

AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO CON-
STRUCT A SYSTEM OF SEWERAGE.

Chap. 613

Be it enacted, etc., as follows:

SECTION 1. The town of Franklin is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and for the purpose of providing better surface, or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid, the town may, within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may lay, make and maintain subdrains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

The town of Franklin may construct a system of sewerage.

SECTION 2. The board of water and sewer commissioners, acting in behalf of the town, shall have power to acquire, by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, railroad or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or way, or railroad or railway location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however,* that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter

Powers of the water and sewer commissioners.

Proviso.