

ing to the abatement of taxes assessed by the assessors of the city of Chelsea, shall hereafter be vested in the board of aldermen of said city only; and said board of aldermen shall constitute the sole board of appeal on complaints for a refusal of said assessors to make abatement of taxes.

SECTION 2. This act shall not affect any legal proceedings already commenced.

Pending proceedings not affected. Subject to acceptance within sixty days.

SECTION 3. This act shall be void unless accepted within sixty days from its passage by a vote of two-thirds of the members of each branch of the city council of Chelsea present and voting thereon.

SECTION 4. This act shall take effect upon its passage.

*Approved March 26, 1884.*

AN ACT TO FIX THE SALARY OF THE TREASURER OF HAMPDEN COUNTY.

*Chap.112*

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

SECTION 1. The treasurer of the county of Hampden shall receive an annual salary of fifteen hundred dollars from and after the first day of January eighteen hundred and eighty-four, payable from the county treasury.

Salary established.

SECTION 2. So much of section two of chapter twenty-three of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

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

*Approved March 27, 1884.*

AN ACT TO INCORPORATE THE MANSFIELD LAKE AQUEDUCT COMPANY.

*Chap.113*

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

SECTION 1. Samuel Camp, Parley A. Russell, John A. Brewer, Justin Dewey, Edwin D. Brainard, their associates and successors, are hereby made a corporation by the name of the Mansfield Lake Aqueduct Company, for the purpose of supplying the inhabitants of the village of Great Barrington with water, subject to the limitations hereinafter contained; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Mansfield Lake Aqueduct Company incorporated.

SECTION 2. Said corporation may take, hold and convey to, into and through the village of Great Barrington

May take the water of Mansfield Lake.

the water of Mansfield Lake, so called, situated in the town of Great Barrington, and may also take and hold by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and may take and hold any land in or around said pond, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land and said pond, file in the office of the registry of deeds in the southern district of the county of Berkshire a description of the lands and pond so taken as certain as is required in a conveyance of land, and a statement of the purposes for which it is taken, signed by the president of the corporation.

A description of land and pond taken to be filed in registry of deeds.

May build one or more permanent aqueducts.

May distribute water and fix rates.

Proviso.

SECTION 3. Said corporation may make and build one or more permanent aqueducts from said pond into and through the said village, and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water in said pond; may make and establish public fountains and hydrants in such places as it may from time to time deem proper and prescribe the purpose for which they may be used, and may change or discontinue the same; may distribute the water throughout the said village, and may regulate the use of said water, and establish the prices or rents thereof: *provided, however*, that this corporation shall not supply any of the present patrons or takers of water from the Great Barrington Water Company, nor any other inhabitants of said village with water for family or household purposes unless in each case the Great Barrington Water Company shall for more than thirty days after a request in writing has been made therefor refuse, neglect or fail to furnish to such party a sufficient supply of water for the purposes aforesaid; and said corporation may, for the purposes aforesaid, carry and conduct any aqueducts or other works by it to be made and constructed over or under any water course, street, turnpike, road, railroad, highway or other way in such manner as to cause the least possible hindrance to the travel therein, and may enter upon and dig up any such road, street or other way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; *provided*, that in excavating for the purpose of laying the pipes and repairing the same

Work to be under supervision of selectmen.

the work shall be done under the direction of the selectmen of the town of Great Barrington.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land, water or water rights, or by constructing any aqueducts or other works for the purposes specified in this act; and if any person who shall sustain damages as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highway.

Liability for damages.

SECTION 5. Said corporation may hold real estate necessary and convenient for the purposes aforesaid, and its whole capital stock shall not exceed thirty thousand dollars, which shall be divided into shares of one hundred dollars each, and no pecuniary obligation shall be assumed by said corporation until one quarter part of its capital stock has actually been paid in in cash.

Real estate and capital stock.

SECTION 6. Any person who shall wilfully and wantonly divert or draw off the water of said pond when taken by said corporation pursuant to the provisions of this act, or who shall wilfully and wantonly corrupt the same or render it impure, or who shall wilfully and wantonly destroy or injure any dam or reservoir, aqueduct, pipe or hydrant or other property held, owned or used by the said corporation for the purposes of this act, shall pay three times the amount of actual damages to the said corporation, to be recovered in an action of tort; and every such person, upon conviction of either of the wilful and wanton acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

Penalty for wilfully corrupting or diverting the water.

SECTION 7. The said town of Great Barrington and any fire district that is or may hereafter be established therein, shall have the right 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 which may be mutually agreed upon between said town or such fire district and said corporation; and the said corporation is authorized to make sale of the same to said town or to such fire district. In case said corporation and said town or such fire district are unable to agree then the compensation to

Town or any fire district therein may purchase franchise and property.

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

Subject to assent by a two-thirds vote.

Work to be commenced within three years.

SECTION 8. This act shall take effect upon its passage, but shall become void unless work under it shall be commenced within three years from the date of its passage.

*Approved March 27, 1884.*

**Chap. 114** AN ACT TO AUTHORIZE THE TOWN OF CLINTON TO ISSUE ADDITIONAL WATER BONDS, AND TO FURNISH WATER TO THE INHABITANTS OF LANCASTER, OR ANY CORPORATION THEREIN FOR FIRE, DOMESTIC AND OTHER PURPOSES.

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

Town of Clinton may issue additional water bonds.

SECTION 1. The town of Clinton in addition to the amount of notes, bonds and scrip authorized by section four of chapter ninety-eight of the acts of the year eighteen hundred seventy-six, and section three of chapter fourteen of the acts of the year eighteen hundred eighty-two, may issue a further amount of notes, bonds and scrip not exceeding the sum of fifty thousand dollars in accordance with the provisions of the acts herein referred to, and for the purposes named therein.

May sell water to inhabitants of Lancaster.

SECTION 2. The town of Clinton is authorized to sell to the inhabitants of the town of Lancaster residing along the main pipe line of said town of Clinton where it passes through said Lancaster, a supply of water for the extinguishment of fires and for domestic and other purposes.

May sell water to the Lancaster Water Company.

SECTION 3. The town of Clinton may at any time during the continuance of the charter of the Lancaster Water Company, sell to said company a supply of water needed for the purposes for which said Lancaster Water Company was incorporated, and upon such terms as said town and said company may agree; and said water company may during the continuance of its charter connect its conduits or pipes with those of the town of Clinton at the boundary line between said towns of Clinton and Lancaster, or at any other convenient point within the limits of said town of Lancaster where the pipes and conduits of

Lancaster Water Company may connect pipes with those of town of Clinton.