

Chap. 189 AN ACT TO INCORPORATE THE CAPE COD FOUNDRY COMPANY.*Be it enacted, &c., as follows:*

Corporators.	SECTION 1. Owen Bearse, Cyrus F. Bullock, N. Oscar Bond, their associates and successors, are hereby made a corporation by the name of the Cape Cod Foundry Company, for the purpose of casting and manufacturing stoves and other work pertaining to iron, and holding patents for stoves, and designs for stoves, and dealing therewith, 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.
Title.	
Purpose.	
Powers and duties.	
Location.	SECTION 2. The said corporation shall have its place of business and its manufactory in the village of Hyannis in the town of Barnstable, and for this purpose may hold real estate not exceeding in amount ten thousand dollars; and the capital stock of said corporation shall not exceed twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each: <i>provided, however</i> , that said corporation shall not go into operation until the sum of ten thousand dollars of its capital stock has been paid in.
Real estate.	
Capital stock.	
Proviso: shall not begin business till \$10,000 capital is paid.	

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

*Approved May 3, 1865.***Chap. 190** AN ACT FOR SUPPLYING THE TOWN OF ADAMS WITH PURE WATER.*Be it enacted, &c., as follows:*

North Adams fire district may convey certain waters into village.	SECTION 1. The North Adams fire district is hereby authorized, by and through the agency of three commissioners to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the village of North Adams, the water of any spring or springs, or of any natural pond or ponds, brook or brooks within said town of Adams, north of the old military line in said town; and said district 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 for forming reservoirs; and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the village of North Adams, and for public purposes.
May hold necessary estate.	
May build aqueducts, dams, &c., establish hydrants, and distribute and regulate use of water.	SECTION 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from any of the sources before mentioned into and through said village, and have and maintain the same by any works suitable therefor; may erect and maintain

dams to raise and retain the waters therein ; may make and establish public hydrants in such places as may be from time to time deemed proper, and prescribe the purposes for which they may be used, and may change and discontinue the same ; may distribute the water throughout the village ; may regulate the use of said water and establish the rents to be paid therefor. And said fire district may, for the purposes aforesaid, carry and conduct any aqueducts or other works by them to be made and constructed, over and under any water-course, street, turnpike, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon, and may do any other things necessary and proper to repair the same, and in execution of the purposes of this act.

May carry works over or under water-course and ways, &c.

SECTION 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections, that are not specially otherwise provided for in this act ; and they shall be subject to such rules and regulations, in the execution of their said trust, as the said district may, from time to time, ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth. They shall respectively hold their said offices for the term of three years next after their appointment, unless the works aforesaid shall sooner be completed ; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a vote of two-thirds of the voters present at any legal meeting of the district ; and in case of a vacancy in the board, such vacancy may be filled by the appointment of another commissioner, in manner aforesaid, who shall hold his office for the residue of the three years. A major part of said commissioners shall be a quorum to do business ; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

Shall choose commissioners to superintend works.

Establish rules and regulations.

Term of office of commissioners.

Removal.

Vacancies in board.

Quorum.

Annual report.

SECTION 4. Before the appointment of the commissioners aforesaid, the said district shall establish the salaries and compensation to be paid said commissioners, and such salaries or compensation shall not be altered during their continuance in said office.

Compensation.

SECTION 5. Whenever the office of said commissioners shall cease, either by expiration of their term of office or the completion of the works, all the rights, powers and

Commission terminating, powers revert to district.

authority given to the said fire district by this act, shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall, from time to time, ordain and direct.

Liability of fire district for damages.

County commissioners may assess, in case of disagreement, or appoint jury.

Party aggrieved may have jury.

Town of Adams may issue "water scrip."

Amount.

Interest.

Payable in twenty years.

Issue of scrip.

Disposal.

Assessments for payment of scrip.

SECTION 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water or water rights, or by constructing any aqueducts, reservoirs or other works, for the purposes specified in this act; and if any person who shall sustain damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor, within two years after the said water or water rights shall have been taken, or after the said aqueducts, reservoirs or other works have been constructed under this act. A party aggrieved by the doings of said commissioners in the estimation of said damages, may, on application in writing to the commissioners, have a jury to determine the matter of his complaint, and thereupon the same proceedings shall be had as is provided in chapter forty-three of the General Statutes in regard to highways.

SECTION 7. For the purpose of paying all costs and expenses of such estates, water and water rights as shall be taken, purchased or held, for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Adams shall have authority to issue from time to time, notes, certificates or scrip, to be denominated "Adams Water Scrip," to an amount not to exceed, in the whole, fifty thousand dollars, bearing interest at a rate not exceeding six per cent. per annum; and said interest shall be payable semi-annually, and the principal shall be made payable at periods not more than twenty years from the date of issue.

All such notes, certificates or scrip shall be signed by the treasurer of the town, and countersigned by the chairman of the selectmen; and a record thereof shall be made and kept by said treasurer. And said fire district may, from time to time, sell the same or any part thereof, at public or private sale, or pledge the same for borrowed money for the purposes aforesaid.

SECTION 8. The town of Adams is hereby fully authorized to assess and collect upon the polls and estates, real and personal, in said fire district, all taxes necessary to pay the

principal and interest of the scrip that shall be sold or pledged by said district as aforesaid.

SECTION 9. If any person shall use any of said water without the consent of the said district, an action of tort may be maintained by said district against him for damages therefor; and if any person shall wantonly or maliciously divert the water or any part thereof, of either of the ponds, brooks, streams or water-courses which shall be taken by the said district pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, hydrant or other property held or owned by the said district, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor, to be recovered in any proper action. And, moreover, any such person may, upon conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Unauthorized
use of water.

Penalty for wantonly diverting or corrupting waters or injuring works.

SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act, and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Adams shall warn a meeting of the voters of said town within three months thereafter, for the purpose of having said voters give in their votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid shall be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Acceptance of
Act by legal voters;
manner of proceeding.

Conditions of
validity.

SECTION 11. This act shall take effect upon its passage.

Approved May 3, 1865.

AN ACT RELATING TO THE SALE AND WEIGHING OF COAL.

Chap. 191

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen or selectmen of every place where anthracite, bituminous or mineral coal is sold, shall appoint one or more suitable persons to be weighers of such coal, who shall be sworn, and be removable at the pleasure of the board appointing them, and shall receive such fees as may be established by the board, which shall be paid by the seller.

Weighers to be
appointed in
cities and towns.

Fees.

SECTION 2. On or before the delivery of any such coal to a purchaser, the seller shall cause the same to be weighed by a sworn weigher of the place at which the same is sold or

Coal to be
weighed by
sworn officer and
record kept.