

commissioners of the work it intends to do, and shall submit to the said board plans of the lands or flats proposed to be filled and of the mode in which the work is to be performed, and no such work shall be commenced until the plans and the mode of performing the work have been approved in writing by said board; and all such work shall be executed under the supervision of said board.

and under their supervision.

SECTION 5. The city council of said city may lay out, in the manner provided by the charter of said city, streets and ways over any of the lands or flats referred to in this act.

May lay out streets and ways.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Salem.

Subject to acceptance by the city council.

*Approved May 16, 1883.*

AN ACT IN AID OF, AND RELATING TO A WATER SUPPLY FOR, THE NORTH ADAMS FIRE DISTRICT.

*Chap. 186*

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

SECTION 1. The purchase of the franchise, property, rights and privileges of the North Adams Water Company, incorporated by chapter one hundred and eight of the acts of the year eighteen hundred and sixty-four, by the North Adams Fire District, and the transfer and conveyance thereof by said water company to said fire district is ratified and confirmed; and said fire district may supply itself and the inhabitants of the town of North Adams 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; and said fire district, in addition to the rights, powers and authority already conferred upon said fire district, shall have, exercise and enjoy all the rights, powers and authority conferred upon said North Adams Water Company by the acts to which this act is additional and supplementary; and said fire district may, by such officers and agents as it may from time to time choose, appoint and direct, exercise all said rights, powers and authority, subject to the restrictions, duties and liabilities, herein and in said acts contained, except as herein otherwise provided; and the doings of said fire district, and of its officers and agents, in carrying out the purposes of the acts to which this act is additional and supplementary are hereby ratified and confirmed.

Purchase and transfer confirmed.

Fire district may supply itself and town of North Adams with water.

May take the water of Notch Brook and other water sources in North Adams.

SECTION 2. The said fire district for the purposes aforesaid may take, by purchase or otherwise, and hold the water of "Notch Brook," so called, and of any other water sources within the limits of said town of North Adams, and the water rights connected with any such water sources, 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 North Adams, 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 said town, 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 construct and lay down conduits and other works.

To file and have recorded in the registry of deeds a description of the lands, etc., taken.

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, other than by purchase, file and cause to be recorded, in the registry of deeds for the county 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 chairman of the prudential committee of said fire district.

Liability for damages.

SECTION 4. The said fire district shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said fire district under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said fire district as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within

the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said fire district under the authority of this act.

No application to be made for damages until water is 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 one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "North Adams 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, and be countersigned by the chairman of the prudential committee of said fire district. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

North Adams  
Fire District  
Water Loan.

Sinking fund to be established.

SECTION 6. The said fire district shall raise annually, 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 bonds, notes and scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation a sum sufficient to pay interest and current expenses.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work, or other property owned, held or used by said fire district, under the authority and for the purposes of this act, shall forfeit

Penalty for corrupting water or for injury to property.

and pay to said fire district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 8. This act shall take effect upon its passage.

*Approved May 16, 1883.*

### Chap. 187

#### AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING HOUSE KEEPERS.

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

Provisions of  
P. S. 102, § 13,  
to apply to  
boarding  
houses.

SECTION 1. The provisions of section thirteen of chapter one hundred and two of the Public Statutes in relation to persons procuring food, entertainment or accommodations at inns with intent to cheat and defraud the owner or keeper, shall apply to persons who, with like intent and in the same manner, procure food, entertainment or accommodations at boarding houses.

Law to be  
posted in a con-  
spicuous place.

SECTION 2. Boarding house keepers shall post in a conspicuous place in each room of their boarding houses a copy of section thirteen of chapter one hundred and two of the Public Statutes as amended by section one of this act.

*Approved May 16, 1883.*

### Chap. 188

#### AN ACT RELATIVE TO THE TAKING OF DEPOSITIONS.

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

Amendment to  
P. S. 169, § 28.

SECTION 1. Section twenty-eight of chapter one hundred and sixty-nine of the Public Statutes is amended by adding to the same, the words: "But where the adverse party does not appear to defend within the time required by law the justice may take the deposition without giving any notice."

Amendment to  
P. S. 169, § 41.

SECTION 2. Section forty-one of said chapter is amended by adding to the same, the words: "But where the adverse party does not appear to defend his cause, such interrogatories need not be exhibited to him nor notice given him of the same."

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

*Approved May 16, 1883.*