

line of the cemetery, thence in a straight line to a point, being the west corner of Hoyt's house lot, thence in a straight line to the most northerly corner of land of Julia G. Blagden, thence in a straight line to the northerly corner of the Ford place, so-called, thence in a straight line to the northerly corner of land known as the Benjamin place, now owned by A. E. Hall, thence in a straight line to the most northerly corner of the Smedley farm and southerly on the line of said farm to the point of beginning; said district containing over one thousand inhabitants.

SECTION 2. Before the district is established and organized a petition shall be presented to the town at a legal meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters, and the amount of taxable property in the proposed district, as nearly as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall vote in favor of establishing and organizing the district the inhabitants of the district may proceed to establish and organize the same in accordance with the provisions of the laws relating to fire districts and the provisions of this act. If at said meeting the town shall not vote in favor of establishing and organizing the district, the town may vote in favor of establishing and organizing the same at any legal meeting called for that purpose and in the manner herein provided, within three years after the passage of this act; the number of said meetings called for that purpose in any one year not to exceed two.

SECTION 3. The legal voters of the fire district shall within one year after the organizing of the district, at a meeting called for the purpose, choose by ballot a board of three commissioners, all of whom shall be legal inhabitants of and voters in the district, to hold office, one for one year, one for two years and one for three years from the next succeeding annual district meeting; and thereafter at each annual meeting the legal voters of said district shall elect one commissioner to serve for three years. The commissioners shall annually within fourteen days after the annual election of the fire district choose one of their number to act as president of the district for the ensuing year. Said commissioners shall be a board of commissioners of hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps, street sprinkling and police protection. The commissioners shall serve until the expiration of their respective terms of office, as hereinbefore set forth and until others

Limits of proposed district, etc.

Commissioners, election, term, etc.

Chap. 69 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FIRE DISTRICT IN THE TOWN OF WILLIAMSTOWN.

Be it enacted, etc., as follows:

SECTION 1. A fire district may be established in the town of Williamstown, to include all of the territory within the following limits, to wit: — Beginning at the most westerly corner of land of Emma Z. Smedley on the north side of the main highway leading from Williamstown to North Adams, thence on said highway to the Stratton road, so-called, thence on said Stratton road to the north line of land formerly of Susie M. Field, now of Horace H. Herrick, thence westerly on land of said Herrick and on the south line of lands now or formerly of Clarence M. Smith, George A. Scott and Charles Heap to Water street, thence in a straight line to the point of intersection of Gale road with South street, thence in a straight line to the east abutment of Torrey's dam, so-called, thence down Maynard brook to a point opposite the north

Fire district in the town of Williamstown established.

are chosen and qualified in their stead, but the district shall have authority to fill any vacancy in said board at any district meeting regularly called for that purpose. The commissioners shall be sworn to the faithful performance of their duty and shall receive such compensation as may be determined by the voters of the district at its annual meetings.

May raise and expend money, etc.

SECTION 4. The said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and the board shall expend the same for the purposes prescribed by vote of the district. Every member of the board shall be accountable to the district for any money received by him, and the district may maintain a suit therefor in the name of the inhabitants of the district. The said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same; but the district shall not during any year raise by taxation any amount of money exceeding one tenth of one per cent of the taxable property in the district.

Clerk to certify to assessors sums voted to be raised, etc.

SECTION 5. The clerk of the district shall, on or before the first day of May in each year, certify to the assessors of the town of Williamstown all sums voted to be raised by the district during the year last preceding, under the provisions of this act; which sums shall be assessed and collected by the officers of the town in the manner in which town taxes are assessed and collected, and shall be paid over to the treasurer of the district who shall hold the same subject to the order of the board. The clerk of the district shall act as clerk of the board and shall enter all its proceedings in the records of the district.

Powers and duties of commissioners.

SECTION 6. It shall be the duty of the board, under the supervision and direction of the district, to construct, reconstruct, erect, repair, maintain and have charge of all main drains constructed by it, and of all common sewers, sidewalks, lamp posts, street lamps, and street hydrants in the fire district, and to have charge of the sprinkling of the streets therein, and of all matters pertaining thereto as herein provided; and to construct such cross walks as may be ordered by the district and to keep maps and plans of all such main drains and common sewers.

SECTION 7. The board shall have authority to determine the grade, width and material, including curbstones, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct and repair the sidewalks, in accordance with such determination. Upon the completion of any sidewalk by the board, or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, the board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion, not exceeding one half the amount of the same, upon all the lands which abut on the sidewalk so made, reconstructed or repaired.

Construction, etc., of sidewalks.

SECTION 8. The board shall have power to determine when, in what manner and to what extent snow, ice, grass, herbage, trees and other obstructions shall be removed from the sidewalks in the district, or from any of the same or any portion thereof; and to establish by-laws and penalties regulating the same, subject to the approval of the fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter on the streets and sidewalks within the limits of the district.

Removal of ice, snow, etc., from sidewalks, etc.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in the district, under the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of the board; and whoever rides or drives or leads any neat cattle, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in the district except to cross the same, or digs up or otherwise obstructs the same without such consent, shall forfeit a sum not less than one dollar nor more than five dollars for every violation of the provisions of this section.

Authority of commissioners.

SECTION 10. The fire district, at meetings called for that purpose, may order the board to construct cross walks in any street in the district in which they have authority to construct sidewalks. The board shall construct all such cross walks at the expense of the district, and shall repair and reconstruct the same when so ordered by the district, and at its expense.

Construction of cross walks.

SECTION 11. The board shall lay, make, reconstruct and maintain in the district all such main drains and common sewers as the district, at a legal meeting called for that

Main drains and sewers.

purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for said purposes may take, in the manner hereinafter provided, any land, property or right which in its opinion may be necessary therefor.

Construction
of main
drains and
sewers.

SECTION 12. When authorized by the district main drains and common sewers may be constructed in the district by the board, which shall be the property of the district and shall be under the charge and control of the board, who shall have authority to regulate the use of the same and to prescribe the mode in which the same shall be entered by private drains, and the terms and conditions of such entry. No person shall be allowed to enter or discharge any private drain into a main drain or common sewer of the district, except by leave of the board, and on such terms and conditions as the board shall prescribe; and all such private drains entering any such main drain or common sewer shall be under the exclusive charge and control of the board, who shall have authority to make and execute orders concerning the same as though the same were constructed by the board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in the district constructed by it, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall hereafter be constructed.

Employment,
etc., of
police officers.

SECTION 13. It shall be the duty of the board to employ as many police officers for the protection of the inhabitants of the district and the property contained therein, and to give them such compensation as may be determined upon by the voters of the district at its annual meetings, but the board shall have full power to appoint said police officers and to discharge them at any time for reasonable cause and to choose successors of any so discharged.

Collection of
assessments.

SECTION 14. All assessments made by the board, as provided for in this act, shall constitute a lien on the real estate assessed for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by the board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by the board for collection to the person then authorized by law to collect

taxes in the town. The collector shall forthwith publish the same by posting true and attested copies thereof in three public places in the district; and shall, within thirty days after said publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months after the publication of said list, he shall levy the same, with incidental costs and expenses, by sale of the land, such sale to be conducted in the manner of a sale of land for non-payment of town taxes; and in making such sales, and any sales for taxes assessed for the district, the collector, the district and its officers shall have all the powers and privileges conferred by general law upon collectors of taxes and upon cities and towns and their officers, relating to the sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of the district, in the same manner as moneys received by him from taxes assessed for the district by the assessors of the town.

SECTION 15. Every assessment made by the board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be reassessed by the board of commissioners for the time being, to the just amount to which, and upon the estate upon which, such assessment ought at first to have been assessed; and the assessment thus reassessed shall be payable and shall be collected and enforced in the same manner as other assessments. Reassessments.

SECTION 16. Any person aggrieved by an assessment made by the board may, at any time within three months after the publication of the list of such assessment, as provided in section fourteen, apply by petition to the superior court for the county of Berkshire, and after due notice to the fire district a trial shall be had at the bar of said court in the same manner in which other civil causes are there tried by jury; and if either party requests it, the jury shall view the place in question. Before filing said petition, the petitioner shall give one month's notice in writing to the board of his intention so to apply, and shall therein particularly specify his objection to the assessments; and to such specification he shall be confined in the trial by jury. If the jury shall not reduce the amount of the assessment Person
aggrieved by
assessment,
may call for a
trial by
jury, etc.

complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed and shall be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment the petitioner shall recover costs.

Taking of
land, etc.

Damages.

SECTION 17. Whenever land is taken by virtue of the provisions of section eleven the board shall, within sixty days after any such taking, file in the registry of deeds of the county of Berkshire a description of the land so taken, sufficiently accurate for identification, and a statement of the purpose for which it is taken; and the right to use all land so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by the fire district; and any person aggrieved by the taking of his land under this act, who fails to agree with the board as to the amount of damages, may, upon a petition filed with the county commissioners of the county of Berkshire within one year after the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for the laying out of highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners, the party who applied for the jury shall pay costs to the other party.

Recovery of
penalties, etc.

Proviso.

SECTION 18. Penalties incurred under the provisions of this act, and under any by-laws established in pursuance thereof, may be recovered by an action of tort brought by direction of said board in the name and for the use of the district, or on complaint or indictment to the use of the commonwealth: *provided*, that no such action, complaint or indictment shall be maintained unless brought within thirty days after the right of action accrues or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer in a suit brought for the said penalty.

Provisions
of general
law to apply,
etc.

SECTION 19. The provisions of all general laws of the commonwealth, applicable to fire districts and not incon-

sistent with this act, shall apply to the fire district organized hereunder. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways or any authority of the town or its agents which can be legally exercised over highways or roads. But the town shall repair any injury done to sidewalks in said district by the officers of the town by reason of any raising, lowering or other act done for the purpose of repairing a highway or town way; and whenever any cross walk shall be torn up or injured by the officers of the town in making, repairing, altering, raising or lowering any highway or town way, the town shall relay and repair such cross walk and put the same in as good condition as it was in before it was torn up or injured. The authority of the town to construct sidewalks, main drains and common sewers within the limits of the district shall be suspended while this act is in force; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

SECTION 20. When a party upon the trial of an action recovers damages of the town for an injury caused to his person or property by a defect in any sidewalk in the fire district, if the fire district has had reasonable notice to defend the action the town may recover of the fire district, in addition to the damages, all costs of both plaintiff and defendant in the action.

Recovery of
damages, etc.

SECTION 21. This act shall take effect upon its passage.

Approved February 9, 1912.

AN ACT TO AUTHORIZE THE AUDITOR OF THE COMMONWEALTH TO ALLOW CERTAIN CLAIMS ON UNCLAIMED DEPOSITS PAID TO THE TREASURER AND RECEIVER GENERAL BY SAVINGS BANKS.

Chap. 70

Be it enacted, etc., as follows:

SECTION 1. Section fifty-seven of chapter five hundred and ninety of the acts of the year nineteen hundred and eight is hereby amended by adding at the end thereof the words: — *provided, however*, that in cases where claims amount to less than fifty dollars, the claims may be presented to the auditor of the commonwealth, who shall examine the same and allow and certify for payment such as may be proved to his satisfaction, — so as to read as follows: — *Section 57. Any person claiming a right to money deposited with the treasurer*

1908, 599, § 57,
amended.

Claims on
unclaimed
deposits.

AN ACT RELATIVE TO THE LIMIT OF TAXATION BY THE FIRE DISTRICT IN THE TOWN OF WILLIAMSTOWN. *Chap. 598*

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter sixty-nine of the acts of the year nineteen hundred and twelve is hereby amended by striking out in the last sentence the words "one tenth", and inserting in place thereof the words: — one half, — so as to read as follows: — *Section 4.* The said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and the board shall expend the same for the purposes prescribed by vote of the district. Every member of the board shall be accountable to the district for any money received by him, and the district may maintain a suit therefor in the name of the inhabitants of the district. The said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same; but the district shall not during any year raise by taxation any amount of money exceeding one half of one per cent of the taxable property in the district.

1912, ch. 598, § 4,
amended.

Fire district
may raise
money, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1912.
