

either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 13. This act shall take effect upon its passage.

Approved May 3, 1883.

Chap. 161 AN ACT TO INCORPORATE THE POWOW HILL WATER COMPANY.

Be it enacted, etc., as follows:

Powow Hill
Water Company
incorporated.

May supply
Amesbury and
Salisbury with
water.

May take the
water of the
east branch of
Powow River.

May construct
and lay down
conduits, pipes
and other works.

SECTION 1. William E. Biddle, Jacob R. Huntington, Marquis D. F. Steere, Richard F. Briggs, E. Ripley Sibley, and their associates and successors, are hereby made a corporation by the name of the Powow Hill Water Company, for the purpose of furnishing the inhabitants of the towns of Amesbury and Salisbury with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold, the water of the east branch of Powow River in the town of Salisbury, known as "Back River," at a point on said river known as "Clark's Pond," 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 towns; 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 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 dig up any such lands, and, under the direction of the board of 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 on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise 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 president of the corporation.

A description of the land, etc., taken, to be filed and recorded in the registry of deeds.

SECTION 4. The said corporation 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 corporation under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said corporation 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 corporation under the authority of this act.

Corporation to pay damages.

SECTION 5. The said corporation may distribute the water through said towns or either of them; may regulate the use of said water and fix and collect rates to be paid for the use of the same; and may make such contracts with the said towns or with either of them or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said towns or either of them, or such fire district, individual or corporation, and said corporation.

No application to be made for damages until water is actually diverted.

May distribute water and fix rates to be paid for its use.

Real estate, capital stock and shares.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for corrupting or diverting water.

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 corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation 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.

May purchase water pipes now in use.

SECTION 8. The said corporation may purchase from the owner of any water pipes now used in furnishing water for the purpose of extinguishing fires in either of the said towns, all the estate, property rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May issue bonds and secure by mortgage.

SECTION 9. The said corporation may issue bonds, and secure the same by a mortgage on its franchise, and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Towns of Amesbury and Salisbury may purchase property and rights of the corporation.

SECTION 10. The said towns shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said towns; and the said corporation is authorized to make sale of the same to said towns, or either of them. In case said corporation and said towns are unable to agree, then the compensation to 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 each of said

Subject to assent of towns by two-thirds vote.

towns, by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

SECTION 11. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security for payment of damages and costs, may be required.

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

Approved May 5, 1883.

AN ACT TO INCORPORATE THE QUINCY WATER COMPANY.

Be it enacted, etc., as follows:

Chap. 162

SECTION 1. William L. Faxon, John A. Gordon, John O. Holden, Charles H. Porter and their associates and successors, are hereby made a corporation by the name of the Quincy Water Company, for the purpose of furnishing the inhabitants of the town of Quincy with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Quincy Water Company incorporated.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold, the water, or so much thereof as may be necessary, of "Town Brook," so called, in the town of Quincy, at any point south of Water Street in said town, and the water rights connected therewith, 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; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machin-

May take the water of Town Brook at any point south of Water Street in Quincy.