

AN ACT TO AUTHORIZE THE TOWN OF TISBURY TO HOLD A SECOND ANNUAL MEETING FOR THE PRESENT YEAR. *Chap.320*

Be it enacted, etc., as follows :

SECTION 1. The town of Tisbury is authorized to hold a second annual meeting during the month of June of the present year for the purpose of filling vacancies in the town offices occasioned by the incorporation of West Tisbury. Town may hold a second annual meeting.

SECTION 2. The various appropriations made and voted at the annual meeting already holden in March may at such second annual meeting be modified, reduced, reconsidered or rescinded, with the same effect and validity as if the same had been modified, reduced, reconsidered or rescinded at the annual meeting aforesaid. Appropriations.

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

Approved May 19, 1892.

AN ACT TO INCORPORATE THE WILLIMANSETT WATER COMPANY. *Chap.321*

Be it enacted, etc., as follows :

SECTION 1. Charles L. Goodhue, Arthur P. West, Harry L. Montague, their associates and successors, are hereby made a corporation by the name of the Willimansett Water Company, for the purpose of supplying the village of Willimansett and Chicopee street, both within the limits of the city of Chicopee, with water for domestic, manufacturing and other purposes, including the extinguishing of fires ; 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 so far as the same may be applicable to such corporations. Willimansett Water Company incorporated; purpose, powers, duties, etc.

SECTION 2. The said corporation, for the purpose aforesaid, may take, by purchase or otherwise, and hold the waters of Powder Horn brook, so-called, situated within the limits of the city of Chicopee, the point of taking to be near the Chicopee Falls road, about one and one fourth miles east of the village of Willimansett, together with such waters as flow into the same ; and also all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to that part of the city covered by this act ; and may erect on the land thus taken or held proper dams, fixtures and other structures, and may make excavations and provide such other means and appliances as may be necessary May take the waters of Powder Horn brook, etc.

May erect dams, etc.

May dig up public ways under direction of the selectmen, etc.

Proviso.

To file in registry of deeds within sixty days a description of lands, etc., taken, etc.

Payment for damages sustained, etc.

Application for damages not to be made until water is diverted.

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 and 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 street commissioner of the city of Chicopee, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel therein: *provided*, that nothing contained in this act shall authorize said corporation to carry water across the Chicopee river, or to supply water to any part of Chicopee Centre lying south of said river, or to any part of Chicopee Falls on either side of said river.

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, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampden 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.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation 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 or corporation 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 any 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 water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

SECTION 5. The said corporation may distribute the water through said village of Willimansett and through Chicopee street, aforesaid, may regulate the use of said water and fix and collect water rates to be paid for the same. And said city or any individual or corporation may make such contracts with it to supply water for the extinguishment of fire or for other purposes, as may be agreed upon by said city, individual or corporation, and said Willimansett Water Company.

May fix and collect water rates, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding two thousand dollars; and the whole capital stock of said corporation shall not exceed fifteen thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, to an amount not exceeding ten thousand dollars, and may secure the same at any time by a mortgage of its franchise and property. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Real estate, capital stock and shares.

May issue bonds not exceeding \$10,000, etc.

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 in the jail not exceeding one year.

Penalty for corrupting or diverting water, etc.

SECTION 8. The county commissioners for the county of Hampden, upon the application of the owner of any land, water or water rights taken under this act, shall 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.

May be required to give security for payment of costs and damages, etc.

City of Chicopee may take by purchase, etc., franchise, etc., at any time.

SECTION 9. The city of Chicopee shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the city council of the city of Chicopee, and if said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said city and shall be deducted from the amount required to be paid by said city to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said city by a two thirds vote of the voters of said city present and voting thereon; and the time and manner of taking such vote shall be determined by the city council.

Statement of receipts and expenditures to be made annually.

Work to be commenced within two years.

SECTION 10. This act shall take effect upon its passage, but shall become void unless work under it is commenced within two years from the date of its passage.

Approved May 31, 1892.

Chap. 322

AN ACT TO INCORPORATE THE MEDFIELD WATER COMPANY.

Be it enacted, etc., as follows:

Medfield Water Company incorporated; purpose, powers, duties, etc.

SECTION 1. Edwin V. Mitchell, Clinton T. Frost, Henry M. Parker, their associates and successors, are hereby made a corporation by the name of the Medfield Water Company, for the purpose of furnishing the town of Medfield and the inhabitants thereof with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to the duties, restrictions and liabilities which