

time, or authority to be void.

year eighteen hundred and sixty-nine, and construct the same on or before the twenty-sixth day of April, in the year eight-hundred and seventy, so much of this act as relates to said extension shall be void.

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

*Approved March 18, 1867.*

**Chap. 84.** AN ACT TO SUPPLY THE TOWN OF EASTHAMPTON WITH PURE WATER.

*Be it enacted, &c., as follows:*

Certain persons made corporation.

Title and purpose.

Corporate privileges and restrictions.

May convey into said town waters of certain brooks.

May take and hold marginal lands of five rods width.

Also other lands necessary for works.

Shall file description of land in registry of deeds.

May have aqueducts, dams, reservoirs and hydrants, and supply water to town.

SECTION 1. Horatio G. Knight, Joel L. Bassett, Seth Warner, their associates and successors, are hereby made a corporation under the name of the Easthampton Aqueduct Company, for the purpose of furnishing the inhabitants of the town of Easthampton with pure water; 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. Said corporation, for the purpose aforesaid, may take, hold and convey to, into and through said town the waters of Rum Brook and Brandy Brook, so called, rising from springs near the foot of Mount Tom, in said town, and the waters which flow into and from the same, and may take and hold, by purchase or otherwise, such land on and around the margin of said brooks, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said town. Said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Hampshire, a description of the land so taken sufficiently accurate for identification, and state the purpose for which it is taken.

SECTION 3. Said corporation may build aqueducts and maintain the same by any works suitable therefor, may erect and maintain dams, may make reservoirs and hydrants, and may distribute the water throughout said town by laying down pipes, and may establish the rent therefor. Said corporation may also, for the purpose aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same, and for like purpose may enter upon and dig up any road, under the direction of the selectmen of the town of Easthampton, in such manner as to cause the least hindrance to the travel thereon.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any party who shall sustain damage as aforesaid cannot agree with said corporation upon the amount of said damages, he may have the same assessed in the same manner as is provided by law with respect to land taken for highways; and all damages for the taking of lands for the purposes aforesaid shall be paid by said corporation before entering upon such lands.

Shall be liable for damages sustained by persons.

Party failing to agree with corporation upon damages may apply law respecting highways.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water rights, until the water is actually withdrawn or diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid, at any time within one year from the time when the water is actually withdrawn or diverted.

Water rights, damages for may not be asked before using water.

Person may apply within year.

SECTION 6. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each; and no pecuniary liability shall be assumed by said corporation until one-quarter part of its capital stock has actually been paid in, in cash.

Capital stock and shares.

Proviso.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources of supply which shall be taken by the said corporation pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said corporation for the purposes of this act, shall pay three times the amount of the actual damages to the said company, to be recovered in an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty if person divert or corrupt water or injure property of corporation.

SECTION 8. The town of Easthampton may, at any time, purchase or otherwise take the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties; and in case the parties cannot agree upon the price, the supreme judicial court, or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay to said company for such franchise and its corporate property, which award shall be final.

Town may purchase franchise and property.

For cost of property purchased, town may issue "water scrip."<sup>77</sup>

Amount, interest and payment.

Town may sell scrip.

May assess annually \$5,000 for payment of principal and interest.

Town purchasing franchise may appoint officers.

Shall be liable for damages not paid by corporation.

SECTION 9. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purpose aforesaid, the town of Easthampton shall have authority to issue from time to time notes, scrip or certificates of debt, to be denominated on the face thereof "Easthampton Water Scrip," to an amount not exceeding fifty thousand dollars, bearing interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively; and the said town may sell the same or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall judge proper. Said town is further authorized to make appropriations, and assess from time to time such amounts, not exceeding in one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 10. In case the town of Easthampton shall purchase the property, rights and privileges of the corporation established by this act, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants and agents as the town shall, from time to time ordain, appoint and direct. And said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

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

*Approved March 18, 1867.*

**Chap. 85.** AN ACT TO ESTABLISH A DIVIDING LINE BETWEEN THE TOWNS OF EASTHAM AND ORLEANS.

*Be it enacted, &c., as follows:*

Boundary defined.

SECTION 1. The dividing line between the towns of Eastham and Orleans is established as follows: Commencing at the middle of the mouth of Rock Harbor River, thence up the middle of said river to a point opposite a stake standing on the northerly side of said river; thence north sixty degrees east, twenty-six rods and eighteen links to a stone monument marked E. O., standing in the north-east side of the road leading to the mouth of Boat Meadow River; thence same course, fifty-five rods twenty links to a stone monument marked E. O.; thence same course forty-five rods seven and