

Time for building, &c., extended.

SECTION 3. The time for building and putting in operation some portion of the said railway is hereby extended one year.

*Approved June 4, 1868.*

**Chap. 300**

AN ACT TO INCORPORATE THE GREAT BARRINGTON WATER COMPANY.

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

Corporators.

SECTION 1. Asa C. Russell, Seth Norton, Justin Dewey, junior, their associates and successors, are hereby made a corporation by the name of the Great Barrington Water Company, for the purpose of supplying the inhabitants of the village of Great Barrington with good water; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

May take water from the springs, ponds and brooks in Great Barrington.

SECTION 2. Said corporation may take, hold and convey to, into and through the village of Great Barrington, the water of any spring or springs, or of any natural pond or ponds, brook or brooks within said town of Great Barrington; and said corporation may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs; and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land, spring or springs, pond or ponds, brook or brooks, file, in the office of the registry of deeds in the southern district of the county of Berkshire, a description of the lands, spring or springs, pond or ponds, brook or brooks so taken, as certain as is required in a conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation.

May take land.

To file description of land in registry of deeds.

May build aqueducts.

SECTION 3. Said corporation may make and build one or more permanent aqueducts, from any of the sources before mentioned, into and through said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within and without said village; may make and establish public fountains and hydrants in such places as it may, from time to time, deem proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water throughout the village; may regulate the use of said water and establish the prices or rents therefor. And the said corporation may, for the purposes aforesaid, carry and

May erect dams and reservoirs, &c.

conduct any aqueducts or other works, by it to be made and constructed, over or under any water-course, street, turnpike, road, railroad, highway, or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may enter upon and dig up any such road, street or other way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same: *provided*, that in excavating for the purpose of laying the pipes and repairing the same, the work shall be done under the direction of the selectmen of the town of Great Barrington.

May lay pipes under streets, &c.

Proviso.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water rights, or by constructing any aqueducts, reservoirs or other works, for the purposes specified in this act; and if any person who shall sustain damage as aforesaid cannot agree with said corporation upon the amount of said damage, the same shall be ascertained, determined and recovered in the manner now provided by law, in case of land taken for highways.

Shall pay damages for land, &c., taken.

SECTION 5. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid; and its whole capital stock shall not exceed thirty thousand dollars, which shall 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.

Real and personal estate.

Capital stock and shares.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof of the sources 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 actual damages to the said corporation, to be recovered in action of tort; and every such person, upon conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

Penalties for maliciously diverting the water or corrupting the same.

SECTION 7. This act shall take effect upon its passage.

*Approved June 4, 1868.*

AN ACT TO AMEND "AN ACT TO INCORPORATE THE TRUSTEES OF THE POOR'S FUND IN THE TOWN OF CHARLESTOWN."

Chap. 301

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

Chapter forty of the acts of the year eighteen hundred and twenty-five is hereby amended by striking out from the

Chapter 40, § 3, 1825, amended.