

Chap.261 AN ACT TO AUTHORIZE AN INCREASE OF THE CAPITAL STOCK OF
THE LAMSON CASH RAILWAY COMPANY.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Lamson Cash Railway Company is hereby authorized to increase its capital stock from time to time by vote of its directors to an amount which together with the capital heretofore authorized shall not exceed in the aggregate two million dollars: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum to be actually paid in on each share than the par value thereof, which shall not be less than one hundred dollars; and *also provided*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

Shares not to be
issued at less
than par value.

Certificate to be
filed within ten
days.

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

Approved May 22, 1884.

Chap.262 AN ACT TO INCORPORATE THE HOUSATONIC WATER COMPANY.

Be it enacted, etc., as follows:

Housatonic
Water Company
incorporated.

SECTION 1. Theodore Giddings, Orren C. Houghtaling, Timothy Z. Potter and their associates and successors are hereby made a corporation by the name of the Housatonic Water Company, for the purpose of furnishing the inhabitants of the village of Housatonic in the town of Great Barrington 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.

May take water
of Long Pond or
Long Lake.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise and hold all the water of Long Pond or Long Lake, so called, in the town of Great Barrington, and the water rights connected therewith, and may purchase other water sources, and may take by purchase or otherwise and hold all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to, into and through said village of Housatonic and its vicinage by a course or route commencing at or near the outlet of said Long Pond or Long Lake and following the stream therefrom or near thereto and passing thence to or near

to the village of Van Deusenville, and thence to the village of Housatonic; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, provide such 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 of 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.

May erect dams and fixtures.

May dig up land under direction of the selectmen.

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 southern district of Berkshire 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.

To have recorded in the registry of deeds a description of the land taken.

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 an 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 the assessment of damages shall be made for the taking of any water, water right, or for any injury

Liability for damages.

Damages not to be applied for until water is actually withdrawn.

thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

May establish and collect water rates.

SECTION 5. The said corporation may distribute the water through said village of Housatonic and its vicinage and villages and other hamlets and places along its route or course from said Long Pond or Long Lake; may regulate the use of said water and establish and collect rates to be paid for the use of the same; and may make such contracts with the town of Great Barrington 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 town or such fire district, individual or corporation, and said corporation.

May contract to supply water.

Real estate and capital stock.

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 twenty thousand dollars to be divided into shares of one hundred dollars each.

Penalty for diverting or corrupting 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 issue bonds and secure by mortgage.

SECTION 8. 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.

Town of Great Barrington may purchase franchise and property.

SECTION 9. The said town of Great Barrington and any fire district that is, or may hereafter be, established therein shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said town or such fire district and said corporation; and the said corporation is authorized to make sale of the same to said town or to such fire dis-

tract. In case said corporation and said town or such fire district 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 said town or such fire district, by a two thirds vote of the voters of said town or such fire district, present and voting thereon at a meeting called for that purpose.

If parties fail to agree, application may be made to S. J. C.

Subject to assent of the town by a two-thirds vote.

SECTION 10. 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 may be required to be furnished.

SECTION 11. This act shall take effect upon its passage, but shall become void unless the said corporation shall be organized within three years from the passage of this act.

To be organized within three years.

Approved May 22, 1884.

AN ACT TO PROVIDE FOR PUBLIC PARKS IN THE CITY OF WORCESTER.

Chap. 263

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester by its city council may at any time within one year after the passage of this act take and hold by purchase or otherwise for the purpose of public parks all or any part of the land in said city which is bounded northerly by Highland street, easterly by Park avenue and southerly and westerly by Pleasant street, and also all or any part of the land in said city bounded southerly by land of the trustees of the Worcester lunatic hospital, easterly by Lake Quinsigamond,

May take land for public parks.