

AN ACT TO INCORPORATE THE LANCASTER WATER COMPANY.

Chap.108

Be it enacted, etc., as follows:

SECTION 1. William H. McNeil, George A. Barker, Eugene V. R. Thayer, Williard Russell, John T. Langford, Spencer R. Merrick and D. F. Smith, and their associates and successors, are hereby made a corporation by the name of the Lancaster Water Company, for the purpose of furnishing the inhabitants of the town of Lancaster 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.

Lancaster
Water
Company
incorporated.May furnish
Lancaster with
water.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise, and hold the waters of "Spectacle Pond," so called, in the town of Lancaster, and the waters which flow into and from the same 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 town; and may erect on the land thus taken or held proper dams, 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, repairing and maintaining 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.

May take waters
of Spectacle
Pond lands,
rights of way,
etc.May erect dams
and other
structures.May lay down
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conduits.May dig up
ways under
direction of
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 otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands

A description
of lands etc.,
taken to be
recorded in
registry deeds.

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.

Liability for damages.

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 rights, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

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

May regulate use of water and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Lancaster; may regulate the use of said water and fix and collect rates to be paid for the same; and may make such contracts with said town 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 connect conduits with those of the town of Clinton.

SECTION 6. The said corporation may at any time during the continuance of this charter connect its conduits or pipes with those of the town of Clinton at the boundary line between the towns of Clinton and Lancaster, if said town of Clinton shall consent thereto, and may contract with said town of Clinton for a supply of water necessary for the purposes of this act, upon such terms as said town of Clinton and said corporation may agree; and said town of Clinton is authorized to make such connection of its own conduits or pipes and to furnish water to said corporation and to enter into contracts for the same: *provided*, that nothing herein contained shall be construed to

Proviso.

compel said town of Clinton to make or permit said connection or to furnish said water; and, *provided, further,* Proviso. that whenever from any reason the supply of water of said town of Clinton shall not be more than sufficient for the needs of the residents of said town of Clinton, the residents of said town of Clinton shall be first supplied.

SECTION 7. The said corporation may, for the purposes Real estate and capital stock. 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 in amount fifty thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 8. Whoever wilfully or wantonly corrupts, Penalty for wilfully corrupting or diverting water. 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.

SECTION 9. The said corporation may purchase from May purchase any aqueduct or water pipes now in use. the owners any aqueduct or water pipes now used in furnishing water for the purpose of extinguishing fires in said town of Lancaster and for domestic and other uses, all the estate, property, rights and privileges of such owners, and by such purchase shall become subject to all the liabilities and duties to such owners appertaining: *provided, however,* Proviso. that the corporation hereby created shall before selling water for domestic purposes within the territory now supplied by the New Boston Aqueduct Company, except by mutual agreement, purchase the property and rights of said company upon such terms as said corporation and said company may mutually agree, or on failure of such agreement or purchase, then upon such terms as shall be prescribed by three commissioners to be appointed by the superior court after notice to both parties.

SECTION 10. The said corporation may issue bonds May issue bonds and secure same by mortgage. 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 may purchase franchise and property at any time.

SECTION 11. The said town of Lancaster 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 corporation and said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town 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 by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Subject to assent by a two-thirds vote.

Security to be given for payment of damages, if required.

SECTION 12. The selectmen of Lancaster upon 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 said selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the said selectmen 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 required.

Work to be commenced within two years.

SECTION 13. This act shall take effect upon its passage, but shall become void unless the work herein authorized is commenced within two years from the date of the passage of said act.

Approved March 26, 1884.

Chap. 109 AN ACT RELATING TO THE PUBLIC CEMETERIES IN THE TOWN OF WOBURN.

Be it enacted, etc., as follows:

Commissioners to be elected to have charge of the Woburn cemetery and public burial grounds.

SECTION 1. The town of Woburn is hereby authorized to elect by ballot, at any town meeting duly called, a board of five commissioners, who shall have the sole care, superintendence and management of the Woburn cemetery and