

AN ACT TO AMEND AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH PURE WATER. *Ch.* 208.

Be it enacted, &c., as follows:

SECTION 1. In addition to the sources of water supply named in section one of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, and chapter seventy-five of the acts of eighteen hundred and seventy-three, the city of Springfield may, in accordance with the provisions of said acts, take, hold and convey from Broad Brook within the limits of the town of Belchertown, the water of said brook to any pond or reservoir of the said city in the town of Ludlow or elsewhere.

Springfield may convey water from Belchertown and Ludlow.

. And they may in the manner aforesaid take or hold any lands within the limits of the town of Belchertown aforesaid needed for reservoir-dams and canals, to store and convey the waters from said brook to said reservoir, and in addition thereto, they may take so much land upon both sides of said brook within the limits of said town of Belchertown as the Board of Water Commissioners of the city of Springfield may deem expedient, for the purpose of preserving the purity of the waters of said brook.

SECTION 2. Said city shall pay all damages to which any person or corporation is entitled by reason of the taking of any land, water, or water rights, under the provisions of this act, the same to be estimated and determined in the same manner, and subject to the like limitations as are provided for the estimate and payment of the like damages, by the provisions of said chapter seventy-five of the acts of the year eighteen hundred and seventy-three.

City to pay damages for taking land or water rights.

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

Approved April 28, 1874.

AN ACT TO INCORPORATE THE LENOX WATER COMPANY.

Ch. 209.

Be it enacted, &c., as follows:

SECTION 1. Julius Rockwell, William O. Curtis, Thomas Post, their associates and successors are made a corporation under the name of the Lenox Water Company, for the purpose of supplying the town of Lenox with pure water, and for this purpose may take and hold the waters of any spring or springs, or of any natural pond or ponds within said town of Lenox, together with the tributary streams which flow into the same; may build and maintain dams, reservoirs, aqueducts, and other suitable or necessary works; and may take and hold such

Lenox to be supplied with pure water.

land around the margin of said springs and ponds, not exceeding five rods in width as may be necessary for the preservation and purity of said waters, and such other lands as may be necessary for the maintenance of said dams, reservoirs, aqueducts, conduits or works.

A description of the land taken to be filed in the registry of deeds.

SECTION 2. Said corporation shall within sixty days after the taking of land under this act, file in the registry of deeds of the middle district of the county of Berkshire, a description of any land so taken sufficiently accurate for identification and state the purpose for which it is taken, and the title of all land so taken shall vest in said corporation. Any person injured in his property by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

Corporation may distribute water throughout Lenox.

SECTION 3. Said corporation may distribute its water throughout said town of Lenox, and may establish the rent therefor, and for this purpose may carry its conduits, 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 may under the direction of the board of selectmen enter upon and dig up any road or way for the purpose of laying its conduits pipes and drains, in such a manner as to cause the least hindrance to travel thereon, and in general may do any other acts and things necessary, convenient, or proper for carrying out the purposes of this act.

Real and personal estate.

SECTION 4. Said corporation may, for the purposes aforesaid, hold real and personal estate not exceeding in amount forty thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

Penalty for wilfully diverting water, or corrupting the same.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduits, pipes or hydrants or other property owned or used by said corporation for the purposes of this act, shall pay the said corporation three times the amount of actual damage, to be recovered by any proper action; and every such person on conviction of either of the malicious acts aforesaid may be punished by a fine not exceeding one hundred dollars, and by imprisonment not exceeding six months.

Town of Lenox may purchase franchise, &c.

SECTION 6. The town of Lenox may at any time take

by purchase or otherwise 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 for such franchise and its corporate property, which award shall be final.

SECTION 7. For the purpose of defraying the cost of such franchise and corporate property as may be purchased for the purposes aforesaid, the town of Lenox shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Lenox 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 said scrip, notes or certificates, respectively; and 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 deem proper. Said town is further authorized to make appropriations and assess from time to time such amounts, not exceeding in any 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.

May issue
"Lenox Water
Scrip," not ex-
ceeding \$50,000.

SECTION 8. In case the town of Lenox shall purchase the property, rights and privileges of the corporation hereby established, 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 and agents as the town shall from time to time determine. And said town shall be liable to pay all damages occasioned under this act which shall not have been previously paid by the said corporation.

Town liable for
all damages not
paid by corpo-
ration.

SECTION 9. This act shall take effect upon its passage.

Approved April 28, 1874.

AN ACT TO ENABLE THE FIRST PARISH, IN BERLIN, TO SELL CERTAIN REAL ESTATE.

Ch. 210.

Be it enacted, &c., as follows:

SECTION 1. The first parish in the town of Berlin, may sell and convey all their right, title and interest in

May sell real
estate.