

tague, to the Gill bridge in the village of Turner's Falls: *provided*, that the extensions authorized by this act shall be located and constructed in conformity with the provisions of the general railroad law of one thousand eight hundred and seventy-four, and acts in amendment thereof; and *provided, further*, that the extensions herein authorized shall not cross any existing railroads, on a grade level therewith, and that all necessary structures for crossing under the grade thereof shall be subject to the approval of the railroad commissioners and shall be constructed at the expense of the New Haven and Northampton Company.

Location and construction under general railroad law.

Proviso.

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

Approved February 19, 1880.

AN ACT TO INCORPORATE THE WANNACOMET WATER COMPANY.

Chap. 27

Be it enacted, &c., as follows:

SECTION 1. Moses Joy, junior, William F. Codd, John A. Hussey, Frederick Stone and Darwin A. Greene, their associates and successors, are hereby made a corporation by the name of the Wannacommet Water Company, for the purpose of furnishing the inhabitants of Nantucket with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force regulating such corporations.

Corporators.

Name and purpose.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of the pond formerly known as the "Western Washing Pond," and now known as the Wannacommet Pond, together with so much as may be necessary for the purpose, of any springs, ponds, or natural brooks within the limits of said town; and may convey the same through the town of Nantucket or any part thereof; and may take and hold by purchase or otherwise, such land on or around the margin of said ponds or brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate houses, and for laying down and maintaining conduits, pipes and drains, and erecting engines and pumps, constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the

May take the waters of Wannacommet Pond.

May take land by purchase or otherwise.

To file in the registry of deeds a description of the land taken.

May construct aqueducts, and erect dams and reservoirs.

May establish water rates.

May dig up roads under direction of selectmen.

Assessment of damages.

Application for damages, to be made within two years.

Real estate.

Capital stock and shares.

Penalty for diverting water or rendering it impure.

registry of deeds in the county of Nantucket a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

SECTION 3. Said corporation may construct one or more permanent aqueducts from any of the sources before mentioned, into and through said town of Nantucket, 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; 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 and discontinue the same; and may make such contracts with the town of Nantucket or with individuals to supply water for fire and other purposes as may be agreed upon by said town or individuals and said corporation; may distribute the water throughout the town of Nantucket; may regulate the use and establish the price or rent therefor; may, for the purposes aforesaid, convey and conduct its conduit pipes and drains 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 for such purpose enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town of Nantucket.

SECTION 4. Any person or corporation injured in property under this act, and failing to agree with said corporation as to the amount of damages, may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken or diverted by said corporation. Any person whose water rights are thus taken may so apply at any time within two years from the time when the water is actually taken or diverted.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding fifteen thousand dollars, and its capital stock shall not exceed thirty thousand dollars to be divided into shares of twenty-five dollars each.

SECTION 6. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or

any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works, or property held, owned, or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Nantucket, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

May purchase aqueduct now in use.

SECTION 8. The Wannacomet Water Company may issue bonds and secure the same by a mortgage on its works, structures, equipments, franchise and other property, real or personal, to an amount which shall not exceed the capital stock of said company actually paid in and applied to the construction or completion of said Wannacomet Water Company's works.

May issue bonds.

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

Approved February 19, 1880.

AN ACT IN REFERENCE TO JURISDICTION OVER ACTIONS OF TORT.
Be it enacted, &c., as follows:

Chap. 28

No action of tort shall hereafter be brought in the supreme judicial court or shall hereafter be removed to said court from the superior court.

Actions of tort not to be brought in, or removed to, supreme judicial court.

Approved February 20, 1880.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE VARIOUS CHARITABLE AND REFORMATORY INSTITUTIONS, AND FOR OTHER PURPOSES.

Chap. 29

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year eighteen hundred and eighty, to wit:—

Appropriations.