

SECTION 12. This act shall take effect upon its passage.

*Approved March 26, 1884.*

*Chap. 107*

AN ACT TO INCORPORATE THE SUNDERLAND WATER COMPANY.

*Be it enacted, etc., as follows:*

Sunderland Water Company incorporated.

SECTION 1. Joel Burt, N. Austin Smith and Austin D. Smith, their associates and successors, are hereby made a corporation by the name of the Sunderland Water Company, for the purpose of furnishing the inhabitants of Sunderland with pure 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 the general laws which now are or hereafter may be in force regulating such corporations.

May supply Sunderland with water.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise, hold and convey through the town of Sunderland the water of "Saw-Mill Brook," so called, in said town, and the waters which flow into the same, and may take and hold by purchase or otherwise the water rights connected with 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, buildings, 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 other 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 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 the water of Saw-Mill Brook, etc.

May erect dams and other structures.

May lay down conduits and pipes.

May dig up lands and ways.

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

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 county of Franklin, 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.

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 right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Liability for damages.

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

SECTION 5. Said corporation may distribute the water through said town of Sunderland; may establish and fix from time to time the rates for the use of said water, and collect the same; and may make such contracts with the said town or any fire district that is or may be hereafter 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, such fire district, individual or corporation, and said corporation.

May fix and collect water rates.

May supply water to the town, etc.

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

Real estate and capital stock.

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 dam-

Penalty for wilfully polluting or diverting water.

ages 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.

The town or any fire district therein may purchase the corporate rights and property of the company.

If parties cannot agree, price to be determined by commissioners appointed by the court.

Purchase subject to assent by a two-thirds vote.

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

Work to be commenced within three years.

SECTION 8. The said town of Sunderland, or any fire district that may be established therein, shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town or fire district; and the said corporation is authorized to make sale of the same to said town or fire district. In case said corporation and said town or 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 fire district by a two-thirds vote of the voters present and voting thereon at a legal meeting called for that purpose.

SECTION 9. The selectmen of said town 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 or tests of the soil, shall be suspended until it gives the security as required.

SECTION 10. This act shall take effect upon its passage, but shall become null and void unless work is commenced under it within three years from the date of its passage.

*Approved March 26, 1884.*