

SENATE No. 182.

[Senate No. 140, as passed to be engrossed by the Senate.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty Four.

AN ACT

To incorporate the Orange Water Works.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. William L. Grout, Abijah French,
2 John W. Wheeler, Allen Schenck, Solon L.
3 Wiley, and their associates and successors, are
4 made a corporation, by the name of the Orange
5 Water Works, for the purpose of furnishing the
6 inhabitants of Orange with water for the extin-
7 guishment of fires and for domestic and other
8 purposes, with all the powers and privileges, and
9 subject to all the duties, restrictions and liabilities
10 set forth in all general laws which now are or
11 hereafter may be in force applicable to such cor-
12 porations.

1 SECT. 2. Said corporation, for the purpose
2 aforesaid, may take, hold and convey into and
3 through the towns of Warwick and Orange, or
4 any parts thereof, the water so far as may be
5 necessary for the purpose of Long Pond in War-
6 wick or North Pond in Orange, so called, within
7 said towns, and the waters which flow into and
8 from the same, together with any water-rights
9 connected therewith, and may tax and hold by
10 purchase or otherwise any water-rights, rights of
11 way or easements connected therewith, and any
12 real estate necessary for the preservation and
13 purity of such waters, or for forming any dams or
14 reservoirs to hold the same, or for laying or
15 maintaining aqueducts and pipes for distributing
16 the waters so taken and held; and may lay its
17 water pipes through any private lands, with the
18 right to enter upon the same and dig therein for the
19 purpose of making all necessary repairs or service
20 connections; and for any of the purposes afore-
21 said may carry its pipes under or over any water
22 course, street, railroad, highway or other way, in
23 such manner as not unnecessarily to obstruct the
24 same; and may, under direction of the selectmen
25 or road commissioners, enter upon and dig up
26 any road or other way, for the purpose of laying
27 or repairing its aqueducts, pipes or other works;
28 and in general may do any other acts and things
29 convenient and proper for carrying out the pur-
30 poses of this act.

1 SECT. 3. Said corporation shall within sixty
2 days after taking any lands, rights of way, water-
3 rights, water sources or easements under the pro-
4 visions of this act, otherwise than by purchase,
5 file and cause to be recorded in the registry of
6 deeds for the county of Franklin a description
7 thereof sufficiently accurate for identification,
8 with a statement of the purposes for which they
9 are so taken, and the title of the lands and water-
10 rights so taken shall vest in said corporation.

1 SECT. 4. The said corporation shall pay all
2 damages sustained by any person in property by
3 the taking of any land, right of way, water,
4 water source, water-right or easement, or by any
5 other thing done by said corporation under the
6 authority of this act. Any person injured in
7 property by any of the acts of said corporation
8 under this act, and failing to agree with said
9 corporation as to the amount of damages, may
10 have the same assessed and determined in the
11 manner provided when land is taken for high-
12 ways; but no application shall be made to the
13 county commissioners for the assessment of dam-
14 ages for the taking of water-rights until the
15 water is actually taken and diverted by said
16 corporation. Any person whose lands, rights of
17 way, water-rights, water sources or easements
18 are thus taken or affected may apply as afore-
19 said within three years from the time the water
20 is actually taken or diverted, but not thereafter;

21 and no suit for injury done under this act shall
22 be brought after three years from the date of the
23 receipt of the alleged injury.

1 SECT. 5. Said corporation may distribute the
2 water through said town of Orange; may estab-
3 lish and fix from time to time the rates for the
4 use of said water, and collect the same, and
5 may make such contracts with said town, or
6 any fire district that may hereafter be estab-
7 lished therein, or with any individual or corpora-
8 tion, to supply water for the extinguishing of fires
9 or for other purposes, as may be agreed upon by
10 said town, or such fire district, individual or
11 corporation, and said corporation.

1 SECT. 6. Said corporation may hold real estate
2 for the purposes set forth in this act, to an amount
3 not exceeding fifty thousand dollars, and the
4 whole capital stock of said corporation shall not
5 exceed one hundred thousand dollars, to be di-
6 vided into shares of one hundred dollars each.
7 Said corporation may, at any time, issue bonds,
8 and secure the same by a mortgage on its fran-
9 chise and other property, to an amount equal to
10 the capital stock actually paid in and expended
11 under this act.

1 SECT. 7. Whoever wilfully or wantonly cor-
2 rupts, pollutes or diverts any of the waters
3 taken or held under this act, or injures any

4 dam, aqueduct, pipe, conduit, machinery, or other
5 works or property held, owned or used by said
6 corporation, under the authority of and for
7 the purposes of this act, shall forfeit and pay
8 to the said corporation three times the amount
9 of damages assessed therefor, to be recovered
10 in an action of tort; and, on conviction of
11 either of the above wilful or wanton acts, shall
12 be punished by a fine not exceeding three hun-
13 dred dollars, or by imprisonment not exceeding
14 one year.

1 SECT. 8. Said corporation may purchase from
2 other owner or owners any aqueducts, pipes,
3 machinery, reservoir, pumping station, and other
4 works, property, estate and privileges in said
5 town of Orange, now owned or in process of con-
6 struction by other parties, and by such purchase
7 shall become entitled to all rights and privileges
8 and subject to all the liabilities and duties apper-
9 taining and belonging to said other parties.

1 SECT. 9. The town of Orange shall have the
2 right, at any time after the passage of this act, to
3 purchase the corporate property and all the rights
4 and privileges of said Orange Water Works, at
5 a price which may be mutually agreed upon be-
6 tween said corporation and said town; and the
7 said corporation is authorized to make sale of the
8 same to said town. In case said corporation and
9 said town are unable to agree, then the price to

10 be paid shall be determined by three commission-
11 ers, to be appointed by the supreme judicial court
12 upon application of either party and notice to the
13 other, whose award, when accepted by said court,
14 shall be binding upon both parties. This author-
15 ity to purchase said franchise and property is
16 granted on condition that the same is assented to
17 by said town by a two-thirds vote of the voters
18 present and voting thereon at an annual meeting,
19 or at a legal meeting called for that purpose.

1 SECT. 10. Any owner of land or water-rights
2 taken under this act, upon application by either
3 party for an estimate of damages, may require
4 said corporation to give security, satisfactory to
5 the county commissioners for the county of
6 Franklin, for the payment of all damages and
7 costs which may be awarded to him for the land
8 or other property taken. If upon petition of
9 such owner, with notice to the adverse party, the
10 security appears to the said county commissioners
11 to have become insufficient, they shall require
12 said corporation to give further security to their
13 satisfaction, and all the rights or authority of the
14 corporation to enter upon or use said land and
15 other property, except for making surveys, shall
16 be suspended until it gives the security required.

1 SECT. 11. This act shall take effect upon its
2 passage.

