

AN ACT TO INCORPORATE THE GARDNER WATER COMPANY.

*Chap.* 145

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

SECTION 1. Solon L. Wiley, George William Ballou, Walter Burnham and Edward C. Cooke, their associates and successors, are made a corporation by the name of the Gardner Water Company, for the purpose of furnishing the inhabitants of Gardner 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 hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation for the purpose aforesaid may take, hold and convey into and through the town of Gardner, or any part thereof, the water, so far as may be necessary for the purpose, of any spring or springs, or of Crystal Lake, so called, within said town, and the waters which flow into and from the same, together with any water rights connected therewith ; and may take and hold by purchase or otherwise any water rights connected therewith and any real estate necessary for the preservation and purity of such waters, or for forming any dams or reservoirs to hold the same, or for laying and maintaining aqueducts and pipes for distributing the waters so taken and held ; and may lay its water pipes through any private lands with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections ; and for any of the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same ; and may, under the direction of the selectmen or road commissioners, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works, and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

May take water of Crystal Lake.

May lay water pipes through private lands.

May enter upon and dig up roads.

SECTION 3. Said corporation shall within sixty days after taking any land or water rights under the provisions of this act, file and cause to be recorded in the registry of deeds for the county of Worcester a description of any land or water rights so taken sufficiently accurate for identification, with a statement of the purposes for which they are so taken, and the title of the land and water rights so taken shall vest in said corporation.

To have recorded in the registry of deeds a description of the land or water rights taken.

SECTION 4. Any person injured in property by any of the acts of said corporation under this act, and failing to

Assessment of damages.

agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is 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 and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually taken or diverted, but not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the receipt of the alleged injury.

May establish water rates, etc.

SECTION 5. Said corporation may distribute the water through said town of Gardner; 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 said town, or any fire district that may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said town or such fire district, individual or corporation and said corporation.

Real estate.

SECTION 6. Said corporation may hold real estate necessary for the purposes set forth in this act; and the whole capital stock shall not exceed one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each. Said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in, and secure the same by mortgage.

Capital stock and bonds.

Penalty for diverting water or rendering it impure.

SECTION 7. If any person shall use any of the water taken under the authority of 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 used for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage or injury caused thereby, 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.

Company may purchase property of the Gardner Water Works.

SECTION 8. Said corporation may purchase from the Gardner Water Works, or other owner or owners, the aqueducts, pipes, hydrants, machinery, reservoir, pumping station, and other works, property, estate and privileges in said town of Gardner now owned or in process of con-

struction by said Gardner Water Works, 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 said Gardner Water Works.

SECTION 9. The town of Gardner shall have the right at any time after the expiration of twenty years from the passage of this act to purchase the corporate property and all the rights and privileges of said Gardner Water Company, 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 price 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 both 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 present and voting thereon at an annual meeting, or at a legal meeting called for that purpose.

Town may purchase property of the Gardner Water Company.

SECTION 10. Any owner of land or water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the county commissioners for the county of Worcester, for the payment of all damages and costs which may be awarded to him for the land or other property taken. If upon petition of such owner, with notice to the adverse party, the security appears to the said county commissioners to have become insufficient, they shall require said corporation to give further security to their satisfaction, and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Liability for damages.

SECTION 11. This act shall take effect upon its passage.

*Approved April 10, 1882.*

AN ACT TO INCLUDE THE TOWN OF WINTHROP IN THE JUDICIAL DISTRICT OF THE MUNICIPAL COURT OF THE EAST BOSTON DISTRICT.

*Chap. 146*

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

SECTION 1. The judicial district of the municipal court of the East Boston district is enlarged so as to include the town of Winthrop.

Town of Winthrop included in district.

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

*Approved April 10, 1882.*