

# HOUSE . . . . . No. 222.

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[Bill accompanying the petition of Irwin and Hardy, attorneys, for legislation to authorize the Amherst Water Company to acquire additional sources of supply and to increase its capital stock. Water Supply. Jan. 21.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Three.

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### AN ACT

#### Relative to Water Supply of the Amherst Water Company.

*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. Section two of chapter one hun-  
2 dred seventy-nine of the acts of the year eighteen  
3 eighty are hereby amended by inserting after the  
4 word "Pelham," in the fourth line, as printed in  
5 the blue book for said year, the following:— and  
6 may take also and convey into said town of Am-  
7 herst the water of what is known as Atkins pond  
8 and the basin connected therewith, Nurse brook  
9 and Dean brook, so called, said brooks being

10 about eighteen hundred feet distant from said pond  
11 and running parallel with each other where they  
12 cross the highway leading from the Amherst  
13 town line to East Leverett; said pond, basin and  
14 brooks being situated in the town of Shutesbury,  
15 in the county of Franklin, — so that said section  
16 shall read as follows: —

17 *Section 2.* Said corporation may take, hold  
18 and convey into and through the town of Amherst,  
19 or any part thereof, the water of what is known  
20 as the Amethyst brook, formerly Valley, situated  
21 in the town of Pelham, and may take also and  
22 convey into said town of Amherst the water of  
23 what is known as Atkins pond and the basin  
24 connected therewith, Nurse brook and Dean  
25 brook, so called, said brooks being about eighteen  
26 hundred feet distant from said pond and running  
27 parallel with each other where they cross the  
28 highway leading from the Amherst town line to  
29 East Leverett, said pond, basin and brooks being  
30 situated in the town of Shutesbury in the county  
31 of Franklin, and may take and hold by purchase  
32 or otherwise any real estate necessary for the  
33 preservation and purity of the same, or for form-  
34 ing any dams or reservoirs, and for laying and  
35 maintaining aqueducts and pipes for distributing  
36 the waters so taken and held; and may lay its  
37 water pipes through any private lands, with the  
38 right to enter upon the same, and dig therein for  
39 the purpose of making all necessary repairs; and  
40 for the purposes aforesaid may carry its pipes  
41 under or over any water course, street, railroad,

42 highway or other way, in such manner as not to  
43 obstruct the same ; and may, under the directions  
44 of the board of selectmen, enter upon and dig up  
45 any road or other way for the purpose of laying  
46 or repairing its aqueducts, pipes or other works ;  
47 and in general may do any other acts and things  
48 convenient or proper for carrying out the purposes  
49 of this act.

1 SECTION 2. Section three of said chapter is  
2 hereby amended by inserting after the word  
3 “taken,” in the fifth line thereof, as printed in  
4 said blue book, the words: — in said county, and  
5 in the registry of deeds in the county of Franklin  
6 a description of any lands so taken in said county,  
7 — so that said section shall read as follows: —

8 *Section 3.* Said corporation shall, within sixty  
9 days after the taking of any land under the pro-  
10 visions of this act, file in the registry of deeds of  
11 the county of Hampshire a description of any  
12 land so taken in said county and in the registry  
13 of deeds in the county of Franklin a description  
14 of any lands so taken in said county, sufficiently  
15 accurate for identification, and state the purposes  
16 for which it is to be taken; and the title of land  
17 so taken shall vest in said corporation. Any per-  
18 son injured in any way by any acts of said corpo-  
19 ration, and failing to agree with said corporation  
20 as to the amount of damages, may have the same  
21 assessed and determined in the manner provided  
22 when land is taken for highways; but no applica-  
23 tion shall be made to the county commissioners

24 for the assessment of damages for the taking of  
25 water rights until the water is actually taken or  
26 diverted by said corporation, nor after three years  
27 from the time the water is actually so taken or  
28 diverted; and no suit for injury done under this  
29 act shall be brought after two years from the  
30 alleged date of the injury.

1 SECTION 3. Section five of said act is hereby  
2 amended by striking out the word "twenty," in  
3 the third line thereof, as printed in said blue book,  
4 and inserting in place thereof the word :— fifty ;  
5 and by striking out in the fourth line of said  
6 section, the word "seventy-five," and inserting in  
7 place thereof the words :— one hundred,— so  
8 that said section shall read as follows :—

9 *Section 5.* Said corporation for the purposes  
10 set forth in this act may hold real and personal  
11 property not exceeding fifty thousand dollars in  
12 value ; and the whole capital stock shall not  
13 exceed one hundred thousand dollars to be divided  
14 into shares of one hundred dollars each; and said  
15 corporation may at any time issue bonds to an  
16 amount equal to the capital stock actually paid in.

1 SECTION 4. No source of water supply shall  
2 be taken for domestic purposes under this act  
3 without the advice and approval of the state  
4 board of health.

1 SECTION 5. This act shall take effect upon its  
2 passage.