

hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and twelve, to wit:—

From the receipts of said hospital now in the treasury of the commonwealth, the sum of fifty-one thousand two hundred forty-five dollars and ninety-six cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred thirty-two thousand two hundred fifty-four dollars and four cents.

Northampton  
state hospital.

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

*Approved April 6, 1912.*

AN ACT TO INCORPORATE THE SOUTH EGREMONT WATER COMPANY. Chap.436

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

SECTION 1. Roscoe C. Taft, William C. Dalzell, William L. Bliss and George H. Read, their associates and successors, are hereby made a corporation by the name of the South Egremont Water Company, for the purpose of furnishing the inhabitants of the village of South Egremont and vicinity with water for the extinguishing of fires, and for domestic and other purposes; and for such purposes shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in the general laws now or hereafter in force relating to such corporations.

South Egre-  
mont Water  
Company in-  
corporated.

SECTION 2. Said corporation may take and hold the waters of Goodale brook, so-called, at any point on said brook within the town of Egremont, with any water rights connected with said brook and situate within the said town, and may conduct the same to the village of South Egremont and to any property situate within a radius of one mile from the geographical centre of said village. Said corporation may also take, or acquire by purchase or otherwise, and hold real estate, rights of way and other easements necessary for laying, conducting and maintaining aqueducts, reservoirs, storage basins, dams and such other structures as are necessary and proper for collecting, storing, purifying, discharging and distributing said waters to said inhabitants: *provided*, that said corporation shall not take the waters of said Goodale brook, under the provisions of this act, for any purpose without the advice and approval of the state board of health. The said corporation shall, within sixty days after the taking of the waters of said brook or any water rights connected therewith, or any real estate, rights of way or easements as

May take and  
hold certain  
waters.

Proviso.

aforesaid, file and cause to be recorded in the registry of deeds for the southern district of the county of Berkshire a description thereof sufficiently accurate for identification, containing a statement of the purposes for which the same are taken, signed and acknowledged by the president of the corporation.

May erect and maintain dams, etc.

SECTION 3. Said corporation may erect and maintain one or more dams within the limits of said town, across said Goodale brook, and raise and retain the waters thereof in one or more reservoirs, and may lay and construct one or more permanent aqueducts to convey said waters from such reservoirs to the takers thereof, and said corporation may erect and maintain hydrants and public fountains at such places, within the town of Egremont, as it may from time to time deem proper, and it may prescribe the purposes for which such hydrants and fountains may be used, and may change or discontinue the same. Said corporation may distribute the waters of said Goodale brook to its takers within the territory herein prescribed, and may regulate the use of said water and fix the rents therefor. Said corporation may, for the purposes aforesaid, construct and lay down its pipes, aqueducts and other works under or over any lands, water courses, railroads, railways, or public or private ways, and along any such ways, for the purpose of constructing, maintaining and repairing said pipes, aqueducts and other works, and for all proper purposes in carrying out the provisions of this act, but when the work is done on a public way, it shall be under the direction of the selectmen of said town, and shall be done in such manner as to cause as little hindrance as is reasonably possible to public travel on such ways.

Damages.

SECTION 4. Said corporation shall be liable for all damages sustained by any persons by the taking of any land, water, water rights or other easements, or by constructing any aqueducts or other works for the purposes specified in this act, and if any person sustaining damages as aforesaid, cannot agree with said corporation upon the amount thereof, the same shall be ascertained and recovered in the manner provided by law in the case of land taken for highways.

May hold real and personal property, etc.

SECTION 5. Said corporation may hold real and personal property necessary and convenient for the purposes of this act, and its whole capital stock shall not exceed twenty thousand dollars, which shall be divided into shares of one hundred

dollars each, and no pecuniary liability shall be assumed by said corporation until one quarter part of its capital stock has actually been paid for in cash. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property, to an amount not exceeding that of its capital stock actually paid in.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under the authority of this act, or injures any structure, work or other property owned, held or used by said corporation under the authority of this act, shall forfeit and pay to the said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts, shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Penalty for  
corrupting  
water, etc.

SECTION 7. The town of Egremont, or any fire district that may hereafter be established therein, shall have the right at any time during the continuance of the charter hereby granted to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be agreed upon by said town or fire district and said corporation; and the said corporation is authorized to make sale of the same to said town or to such fire district. In case the corporation and the town or fire district are unable to agree as to the compensation to be paid therefor, the same shall be determined by three commissioners to be appointed by the supreme judicial court upon application of either party and notice to the other. The award of said commissioners or a majority of them, when accepted by the court, shall be final and 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 such fire district, by a two thirds vote of the voters of the town or fire district present and voting thereon at a meeting called for that purpose, and that all necessary arrangements shall have been made by special legislation or otherwise to provide for the payment of the said purchase price, the election of proper town or fire district officers and the carrying out of other details whereby said transaction may be consummated and the purposes of this act carried out.

The town of  
Egremont may  
purchase  
franchise, etc.

SECTION 8. So much of section one of chapter two hundred and forty-five of the acts of the year nineteen hundred

Repeal.

and two as is inconsistent with any provision of this act is hereby repealed.

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

*Approved April 6, 1912.*

*Chap.437* AN ACT TO PROVIDE FOR THE INSPECTION OF DEMAND INDICATORS AND OTHER DEVICES OF ELECTRIC COMPANIES.

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

Inspection of devices of electric companies.

SECTION 1. The provisions of sections thirty-six, thirty-seven and thirty-eight of chapter one hundred and twenty-one of the Revised Laws and of all acts in amendment thereof and in addition thereto shall apply to demand indicators, so-called, and any other devices or appliances installed by an electric company upon the premises of any of its customers and used by such company for the purpose of determining the charge to the customer for its service. Nothing herein contained shall be held to authorize or prohibit differential prices for electricity supplied by any such company.

Proceedings in case device is found to be incorrect, etc.

SECTION 2. Whoever, being engaged in the sale of electricity, maintains upon the premises of a customer a meter, demand indicator or other mechanical device or appliance for the purpose of determining the charge to be made for electricity supplied to such customer, which meter, demand indicator or other mechanical device or appliance is found upon examination and test, as provided in section thirty-six of chapter one hundred and twenty-one of the Revised Laws, to register incorrectly as against such customer, shall refund to the customer such an amount as, if not agreed upon, shall be determined by the board of gas and electric light commissioners upon application of the customer, and after an opportunity has been given to the company to be heard.

Repeal.

SECTION 3. All provisions of law inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved April 6, 1912.*

*Chap.438* AN ACT RELATIVE TO THE ASSESSMENT OF THE COST OF DAMAGES CAUSED BY DEER.

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

1903, 407, amended.

Chapter four hundred and seven of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "they", in the twenty-fifth line, the words: —