

An Act to incorporate the Springfield Aqueduct Company.

Chap 303.

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

SECTION 1. Charles Stearns, Festus Stebbins, George Hastings, their associates and successors, are hereby made a corporation, by the name of the Springfield Aqueduct Company, for the purpose of supplying the village of Springfield with pure water.

Corporators.

To supply Springfield with pure water.

SECTION 2. Said corporation may hold real and personal estate, for the purpose aforesaid, to an amount not exceeding fifty thousand dollars, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not exceeding \$50,000.

SECTION 3. Said corporation may take and hold the several springs of water owned by Charles Stearns on the tenth day of April, in the year one thousand eight hundred and forty-eight, situated northerly of the Western Railroad, being four in number, and not including the springs on North, or End Brook, so called; and may collect and convey the water of said several springs, in logs or pipes, in the nearest and most convenient routes for the same, into one main pipe northerly of the Western Railroad, uniting the same with such main pipe at no point more westerly than that where the pipe from the Hayward spring or reservoir unites with the main pipe of said Stearns, and for this purpose may take such rights in any lands as may be necessary therefor. But no pipe shall be laid or maintained upon the lands taken and held by said Western Railroad Corporation, for their road, without their consent; and all damages sustained by any person, by taking the water of any of said springs and conveying the same into said main pipe, shall be paid by said aqueduct corporation; and if not agreed upon by the parties, shall be ascertained, determined, and recovered, in the manner now provided by law in case of lands taken for highways; and said corporation shall, within sixty days from the passage of this act, file, in the office of the registry of deeds of the county of Hampden, a description of the springs, lands, and rights, so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which the same are taken, signed by the president of said corporation.

May take and hold four springs,

and convey in pipes.

Proviso.

All damages to be paid by corporation; or to be ascertained, &c., as in case of land taken for highways.

Description of springs, lands, &c., to be filed in registry of deeds.

Reservoirs and hydrants.

Rents.

SECTION 4. Said corporation may convey said water, in logs or pipes, from the junction of the water of said several springs with said main pipe, and distribute the same throughout the village of Springfield, and may make reservoirs and hydrants, and may establish and collect rents therefor, taking, by purchase only, any lands or rights

necessary and convenient for such distribution, and for said reservoirs and hydrants.

Roads or ways to be dug up, by written license of selectmen.

SECTION 5. For the purpose of so distributing said water throughout the village of Springfield, and making hydrants therefor, the said corporation may enter upon and dig up any public road or way, and lay their logs or pipes therein, under the direction, and by the written license, of the selectmen of Springfield, given at a meeting of the board, specifying each road or way, and the part thereof, so to be dug up, the manner of doing the same, and the time within which the same shall be done, not exceeding one year from the date of such license; and said work shall be done so as to cause the least hindrance to the travel on said roads or ways, and the least inconvenience to private individuals; and they shall restore the said roads or ways to as good a condition as they were previously in, without unreasonable delay.

If selectmen refuse license, county commissioners may be applied to, and may grant license.

SECTION 6. If the selectmen of Springfield shall unreasonably refuse or neglect to grant any such license to said corporation, upon a written petition therefor, the said corporation may apply for such license to the county commissioners of the county of Hampden, first giving not less than seven days previous notice in writing, to a majority of said selectmen, of their intended application, so that they may appear, if they see fit, and object thereto. And if, on such application, it shall appear, that said selectmen did unreasonably refuse or neglect to grant any such license, the said commissioners may, if they see fit, grant the same, in the manner, and on the terms, in which the selectmen are herein authorized to grant such license.

Liability to town on indictment, and to individuals for damages.

SECTION 7. Said corporation shall be liable to indemnify said town of Springfield against any indictment or claim for damages, or any costs or payments therefor, and also any individuals for injuries or damages sustained by them on account of any defects of said roads or ways, or any obstructions therein, caused by the acts or neglect of said corporation or their servants. The same to be recovered in an action on the case against said corporation.

Duty of corporation in reference to fire.

SECTION 8. Upon the written request of the selectmen of Springfield, or the officers of any fire-district therein, the said corporation shall put conductors into their pipes suitable for drawing water thereby, to be used in case of fires, and shall permit as much water to be used thereby, free of expense, when any building in said town shall be on fire, as may be required in extinguishing the same, and said town or fire-district requesting the same shall be liable to pay all the expenses of such fixtures. And if said corporation shall unreasonably neglect or refuse to make such conductors, with the proper fixtures, the said town or fire-district may, at their own expense, make such conductors

and fixtures, to be used in the same manner as if made by said corporation.

SECTION 9. If any person shall wilfully and maliciously defile or corrupt the water of any of said springs or aqueducts, or shall wilfully and maliciously injure or destroy any pipe thereof, or any other fixture of the same, he shall forfeit and pay, to said corporation, to be recovered by an action on the case, treble the amount of damages which shall appear, on the trial, to be sustained by said corporation, and may be further punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year.

Penalty for malicious injury to property of corporation.

Fine or imprisonment.

SECTION 10. The board of health of the town of Springfield may, at any time, enter upon the property of said corporation, and examine the said springs, reservoirs, and any streams of water connected therewith; and if they shall deem the same impure or unhealthy, they may direct such alterations, repairs and constructions therein, as they may judge necessary to make and preserve said water sufficiently pure for the health of the persons using the same; and if the said corporation, upon being duly notified in writing of such directions of the board of health, shall unreasonably refuse or neglect to comply with the same, the said board of health may cause such alterations, repairs, and constructions, or any parts thereof, to be made, and may recover all expenses thereof from said corporation, in any suit at law.

Right of board of health to examine springs, &c.

SECTION 11. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1848.*]

An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more equal Distribution of their Effects.

Chap 304.

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

SECTION 1. The governor, with the advice and consent of the council, shall appoint and commission some suitable person, in each county, to be a commissioner of insolvency, in the county for which he is appointed, who shall hold his office for the term of seven years, unless sooner removed by the governor and council.

Governor and council to appoint a commissioner of insolvency in each county. Official term, seven years.

SECTION 2. Said commissioners, before entering upon the duties of their office, shall take and subscribe the oaths or affirmations required to be taken by persons appointed to civil office by the governor, with the advice and consent of the council, under the constitution and laws of the Commonwealth.

To be sworn.

SECTION 3. Said commissioners shall have and exercise all the jurisdiction, power, and authority, that judges of probate and masters in chancery now have and exercise, under

Same jurisdiction as masters in chancery, &c.