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LEGISLATIVE
COMMITTEE ON PUBLIC HEALTH

1881.

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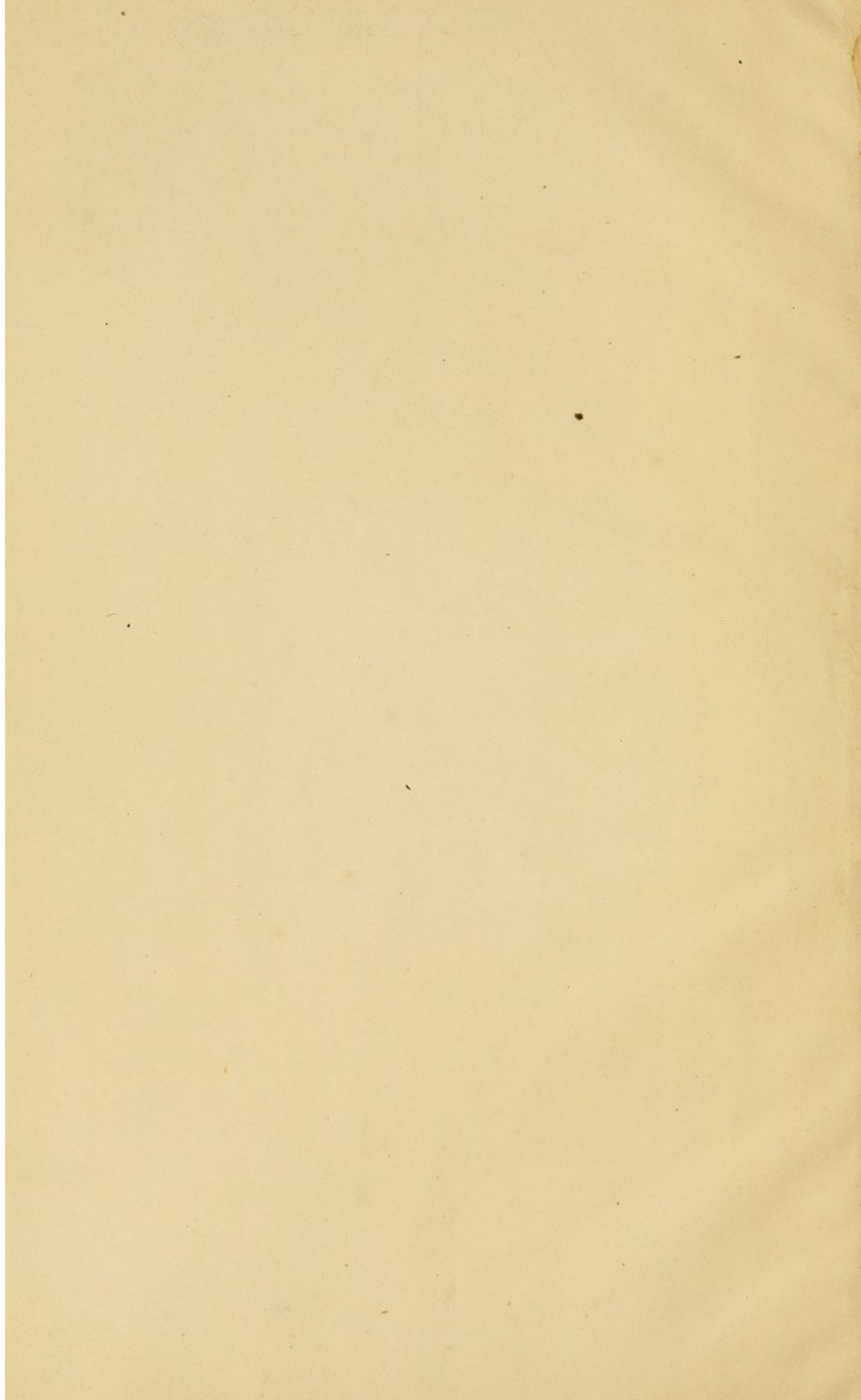
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RECORD
OF THE
JOINT STANDING COMMITTEE
ON
PUBLIC HEALTH.

LEGISLATURE OF 1881.

979



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RAND, AVERY, & COMPANY,
Printers to the Commonwealth.
1881.





SKETCHES OF THE MEMBERS OF THE COMMITTEE.

[“Boston Journal,” Jan. 5, 1881.]

SENATORS.

Second Essex District. — HON. NATHANIEL AUGUSTUS HORTON, Republican, is a native resident of Salem, and is one of the editors and publishers of the Salem “Gazette.” He was born April 16, 1830, and was educated in the local schools. Mr. Horton has served two years in the Common Council, and was a member of the House in 1860, 1879, and 1880. He has been House Chairman of the Committee on Printing and of the Committee on Public Health, and has served also on the Committees on Engrossed Bills and on the Library.

Fourth Middlesex District. — HON. CHARLES QUINCY TIRRELL, Republican, lawyer, of Natick, was born in Sharon, Mass., Dec. 10, 1844, and graduated at Dartmouth College in 1866. He has held various local offices in the town of Weymouth, and represented that town in the House in 1872, serving on the Committee on Probate and Chancery.

Fifth Worcester District. — HON. DANIEL BOWMAN INGALLS, Republican, dentist, of Clinton, was born May 25, 1825, in Sutton, Vt., and received his education in the common schools and at the Boston Dental School. He was a member of the House last year, and served on the Committee on Public Buildings.

REPRESENTATIVES.

Fourteenth Suffolk District. — ARTHUR HERVEY WILSON, Republican, physician, lives at No. 504 East Broadway, South Boston, and is a new member of the Legislature. He is a native of

Paxton, Mass. ; was born Aug. 18, 1839 ; and was educated in the public schools of Worcester, the academy at Wilbraham, Dartmouth College, and the Harvard Medical School. He was Assistant Surgeon of the United States Volunteers, and held the same rank in the Seventh Regiment, United States Veteran Volunteers, serving from November, 1863, to May, 1866. Under the State-Aid law he held the position of examining surgeon, and he was also examining surgeon on account of United States pensions from 1867 to 1871. He was a member of the Boston School Committee from 1869 to 1875, and held the office of coroner from 1867 to 1877.

Seventh Middlesex District. — JOHN CLARK RAND, Republican, of Medford, is a member of the firm of Rand, Avery, & Co., of Boston, Printers to the Commonwealth. He was born in Chelsea, Mass., June 6, 1842 ; studied in the Boston public schools and the Roxbury Latin and English High School, graduating at Wesleyan University, Middletown, Conn., in 1863. After graduation he devoted himself at once to the work of learning the business in which he is at present engaged, and with which various members of his family have long been identified. During the last campaign Mr. Rand was an active worker, and held the office of President of the Young Men's Republican Club of Medford. Though a new member, he is familiar with the methods of legislation, owing to his business connection with the Legislature and the other departments of the State Government.

Third Suffolk District. — HENRY LYON, Republican, lives at No. 34 Monument Square, and is a retired physician. He was born in Needham (Lower Falls), Mass., Dec. 16, 1814, and graduated at Harvard University in 1835. He has had no previous legislative experience.

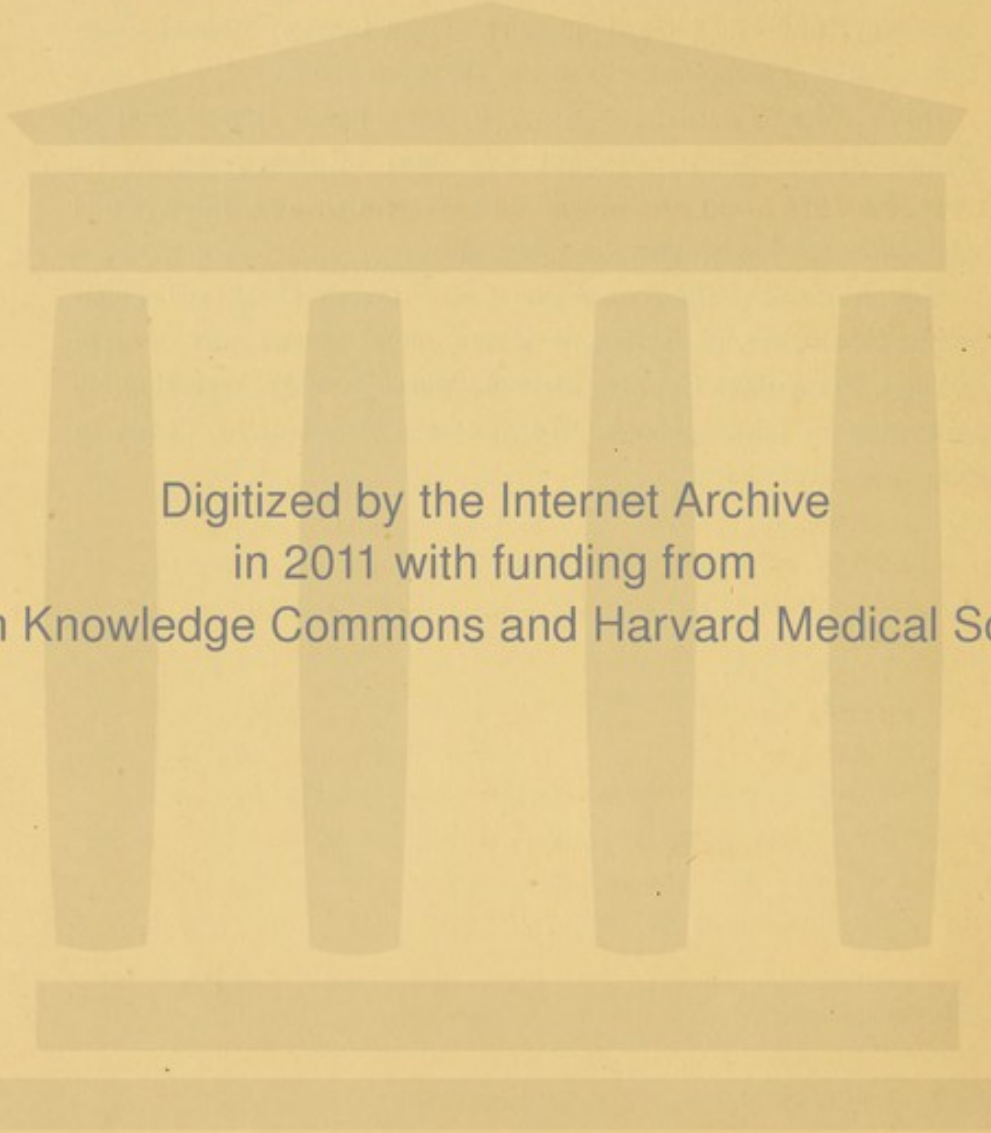
Second Middlesex District. — GEORGE D. CHAMBERLAIN, Republican, of Cambridge, new legislator, is a member of the Boston firm of N. & G. D. Chamberlain, wholesale dealers in beef. He was born in Westborough, Mass., June 4, 1823, and was educated in the local schools. He has been two years in the Cambridge Board of Aldermen, and held the office of Overseer of the Poor six years.

Second Suffolk District. — JOSEPH P. HAMLIN, Republican, is engaged in the real-estate business, and lives at No. 120 London Street, East Boston. He was born in Sidney, Me., was educated in the schools there, and now takes public office for the first time.

Fourth Franklin District. — DAVID TAYLOR VINING, Democrat, physician, of Conway, was born in Hawley, Mass., Oct. 19, 1821. He received his education in the common schools and the Franklin Academy, and has been a member of the Conway School Committee fifteen years, and was in the House in 1855.

Sixth Norfolk District. — JOEL F. SHEPPARD, Republican, of Braintree, is a coal-merchant; was born in Greenwich, N.J., Nov. 20, 1835; and was educated in Greenwich and Salem, N.J. He enters the Legislature for a first term.

Twenty-Eighth Middlesex District. — EDWARD McMANUS, Democrat, shoemaker, of Natick, is a new member, and was born in Tempo, Fermanagh County, Ireland, March 1, 1837, receiving his education in Irish schools. He has been Assessor of Taxes in Natick several years.



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LEGISLATURE OF 1881.

JOINT STANDING COMMITTEE ON PUBLIC HEALTH.

MESSRS. HORTON of Essex,
TIRRELL of Middlesex,
INGALLS of Worcester,

Of the Senate.

MESSRS. WILSON of Boston,
RAND of Medford,
LYON of Boston,
CHAMBERLAIN of Cambridge,
HAMLIN of Boston,
Vining of Conway,
SHEPPARD of Braintree,
McMANUS of Natick,

Of the House.

THOMAS F. DOWNEY,
Messenger.

Number.	TITLE.	Referred to Committee.	Reported by Committee.	Date.	Document.	Acts and Resolves Chapter No.	Signed.
1	Medford	January 11.	Rand	April 13.	House No. 329.	303	May 13.
2	Clinton	January 18.	Ingalls	January 19.	Senate No. 20.	6	February 4.
3	Governor's Message	January 11.	Horton	May 3.	Senate No. 251.	R. 62	May 12.
4	Contagious Diseases	January 11.	Vining	March 1.	House No. 184.	-	Killed in House April 11.
5	Medical Examiners	January 12.	Wilson	March 28.	House No. 339.	-	Killed in House April 28.
6	Boston High Service	January 11.	Rand	March 9.	House No. 248.	129	March 24.
7	Hingham Water Co.	January 11.	Tirrell	February 23.	Senate No. 84.	59	March 3.
8	Arlington and Alewife Brook	January 14.	Rand	April 13.	House No. 329.	303	May 13.
9	Lexington Water Co.	January 14.	Wilson	April 27.	House No. 414.	267	May 12.
10	Milford Water Co.	January 14.	Rand	February 14.	House No. 92.	77	March 9.
11	Sick Poor	January 14.	McManus	February 24.	Inexpedient.	-	
12	Middlesex Aqueduct Co.	January 18.	Ingalls	March 1.	Senate No. 112.	-	Killed in House April 8.
13	Pharmacy Bill	January 18.	Lyon	March 29.	House No. 423.	-	Killed in House May 6.
14	Uxbridge Water Co.	January 17.	Horton	February 17.	Senate No. 81.	76	March 9.
15	Cambridge Arsenal Lot.	January 19.	Lyon	February 24.	Inexpedient.	-	
16	South Adams Fire Dist.	January 19.	Hamlin	February 23.	House No. 134.	79	March 12.
17	State Prison Sewage	January 21.	Lyon	April 29.	House No. 426.	R. 65	
18	Weymouth	January 20.	Sheppard	February 18.	House No. 117.	174	April 6.
19	Shawsheen	January 24.	Ingalls	April 5.	Senate No. 211.	-	Killed in Sen. April 13.
20	Framingham	January 24.	Tirrell	March 24.	Senate No. 189.	206	April 20.
21	Ayer Water Co.	January 24.	Ingalls	February 17.	Senate No. 76.	-	Killed Conf. Com. May 4.
22	Salem Flats	January 24.	Horton	February 18.	Com. discharged	-	
23	Gloucester Water Co.	January 24.	Horton	March 1.	Senate No. 116.	167	March 31.
24	Newburyport.	January 26.	Horton	February 23.	Senate No. 90.	72	March 8.
25	Plumbing	January 27.	Horton	March 9.	Inexpedient.	-	

26	Lowell Tenement Houses,	January	28 .	Hamlin .	.	.	March	9 .	Leave to with- draw	-	
27	Ventilation Work-Shops .	January	28 .	Chamberlain .	.	.	March	8 .	Referred to Com. on Labor	-	
28	Somerville and Alewife Brook	January	28 .	Horton .	.	.	March	31 .	Senate No. 202 .	240	May 6.
29	Burial Certificates .	January	31 .	Ingalls .	.	.	March	29 .	Inexpedient .	-	
30	Purity of Ponds .	January	31 .	Horton .	.	.	March	9 .	Inexpedient .	-	
31	Bridgewater . . .	February	1 .	Chamberlain .	.	.	March	8 .	Referred to Com. on Fisheries .	-	
32	Worcester Water Supply,	February	3 .	Ingalls .	.	.	April	12 .	Senate No. 250 .	268	May 12.
33	Blackstone Sewage .	February	3 .	Horton .	.	.	May	3 .	Senate No. 252 .	R. 67	May 12.
34	Peabody Water Co. .	February	3 .	Horton .	.	.	March	22 .	Senate No. 188 .	171	April 6.
35	Boston Waste of Water .	February	3 .	Wilson .	.	.	March	4 .	House No. 139 .	205	April 15.
36	Sums due Cities and Towns	February	3 .	Sheppard	.	.	February	11 .	Referred to Com. on Judiciary .	-	
37	Health of Towns .	February	3 .	Vining .	.	.	March	1 .	House No. 184 .	-	Killed in House April 11.
38	Health of Cities .	February	3 .	Lyon .	.	.	March	25 .	House No. 328 .	185	April 6.
39	Pollution of Streams .	February	3 .	Horton .	.	.	March	25 .	Inexpedient .	-	
40	Inspection of Meat .	February	1 .	Chamberlain .	.	.	March	25 .	Referred to next General Court.	-	
41	Natick	February	2 .	Tirrell .	.	.	March	3 .	Senate No. 134 .	130	March 24.
42	Arsenical Wall-Paper	Taken from files	.	.	February	10 .	Ruled out by Senate .	-	
43	Beverly	March	15 .	Horton .	.	.	May	2 .	Leave to with- draw	-	
44	Salem Flats . . .	February	23 .	Horton .	.	.	April	12 .	Senate No. 216 .	213	April 21.
45	Ventilation State Prison,	April	15 .	Lyon .	.	.	April	29 .	House No. 417 .	R. 65	May 12.
46	Chicopee Falls . .	May	4 .	Wilson .	.	.	May	6 .	House No. 433 .	282	May 13.

NUMBERS 1 & 8.

[CHAP. 303.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To require the city of Boston to abate a Nuisance in Mystic Lower Pond, for protecting the purity of the waters of said Pond, and for the preservation of the Public Health, especially in the towns of Medford and Arlington.

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. The city of Boston is hereby directed
2 to cease emptying sewage, or waters, or substances
3 containing polluting matter or properties, into Mys-
4 tic Lower Pond, through its sewer constructed under
5 chapter two hundred and two of the acts of eigh-
6 teen hundred and seventy-five, or otherwise, and is
7 hereby also directed to take up and remove so much
8 of said sewer as extends into said pond, and also

9 that part thereof between said pond and a point on
10 the line of said sewer at least two hundred feet
11 from said pond, within three months from the pas-
12 sage of this act, and thereafter no person or per-
13 sons, no municipal nor other corporation or corpora-
14 tions, shall discharge or divert into said pond any
15 sewage or offensive matter, waters or substances
16 containing such properties or of such quality as shall
17 of themselves or in connection with other matter
18 create a nuisance in said Mystic Lower Pond, or
19 endanger the public health; but nothing herein shall
20 be construed to prohibit the city of Boston from dis-
21 charging such water as shall be collected in its said
22 sewer into said Mystic Lower Pond after said city
23 shall have purified, cleansed and freed the said
24 waters from all offensive, contaminating, noxious
25 and polluting properties and substances, so that said
26 waters shall not of themselves, or in connection
27 with other matter, create a nuisance therein or
28 endanger the public health: *provided*, that said
29 waters so purified shall flow for a distance of at
30 least two hundred feet immediately before their
31 entrance into said pond in an open drain over a
32 gravelly or sandy bottom.

1 SECT. 2. The city of Boston is hereby directed
2 to cause said Mystic Lower Pond to be cleansed of
3 such impurities prejudicial to the public health as,
4 in the judgment of the state board of health, lunacy
5 and charity, it shall have caused, and at such time
6 and in such manner and extent as shall be approved
7 by the state board of health, lunacy and charity, and

8 said city shall pay the expense incurred thereby;
9 and should the said board deem the same to be ne-
10 cessary, and so decide, the city of Boston may erect
11 a dam at the outlet of the lower Mystic Pond, and
12 may exclude tide water from said pond, and may
13 raise the height of the water in said pond, and
14 may take land therefor; and any person suffering
15 any damage shall have the right to have damages
16 assessed therefor, as provided in section three of
17 this act.

1 SECT. 3. The city of Boston is hereby authorized
2 to take and hold, for the time necessary to carry out
3 the provisions of this act, such lands in the towns of
4 Woburn or Winchester, on or near the line of said
5 sewer, as it shall deem necessary, and may construct
6 such canals, basins, tanks, passageways and works
7 as may be necessary to enable said city to treat said
8 sewage and waters, in order to free the said waters
9 of all noxious, dangerous and offensive matter and
10 properties. Said city shall make compensation to
11 the owners for such lands as it shall take under this
12 act, and if said city and said owners do not agree
13 any person aggrieved shall be entitled to have his
14 damages ascertained by a jury upon petition to the
15 county commissioners of Middlesex county, the pro-
16 ceedings upon which shall be like those provided for
17 the recovery of damages in the taking of lands for
18 highways.

1 SECT. 4. Said city of Boston is hereby author-
2 ized to raise and appropriate, in such manner as its

3 city government shall determine, such sums of
4 money as shall be incurred by said city in carrying
5 out the provisions of this act.

1 SECT. 5. This act shall be subject to the same
2 limitations expressed in section twelve of chapter
3 two hundred and two of the acts of the year eigh-
4 teen hundred and seventy-five.

1 SECT. 6. The supreme judicial court, or any jus-
2 tice thereof, in term time or vacation, sitting in
3 equity for either of the counties of Suffolk or Mid-
4 dlesex, shall have jurisdiction in equity to enforce
5 the provisions of this act by injunction or by any
6 other appropriate equitable remedy, on complaint of
7 the selectmen of either of the towns of Medford or
8 Arlington.

1 SECT. 7. This act shall take effect upon its pas-
2 sage. [*Approved May 13, 1881.*]

NUMBER 2.

[CHAP. 6.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

In addition to "An Act to supply the town of Clinton with pure water."

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. Chapter ninety-eight of the Acts of
2 the year eighteen hundred and seventy-six, being
3 An Act to supply the town of Clinton with pure
4 water, is hereby revived and continued in force,
5 and the time for the acceptance of the same by
6 the town is extended for a term of three years from
7 the passage of this act.

1 SECT. 2. This act shall take effect upon its
2 passage. [*Approved February 4, 1881.*]

NUMBER 3.

[CHAP. 62.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

RESOLVE

For a plan for the Drainage of the Mystic Valley and
the neighborhood of the city of Boston.

1 *Resolved*, That the governor and council are hereby
2 authorized and requested to examine and report in
3 print to the next legislature, a plan for the drainage
4 of the Mystic valley, with an estimate of the cost
5 thereof and a recommendation as to the methods
6 of apportioning said cost. And they are further
7 authorized, within their discretion, to include the
8 Charles River valley and the immediate neighbor-
9 hood of the city of Boston in their investigation
10 regarding drainage, and in any plan or recommen-
11 dation which they think it advisable to report for the
12 action of the legislature. For these purposes they
13 may incur such engineering or other expenses as
14 they may deem necessary. [*Approved May 12, 1881.*]

NUMBER 6.

[CHAP. 129.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

In addition to the acts for the purpose of supplying
the city of Boston with Pure Water.

*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. For the purpose of supplying water
2 to its inhabitants, and especially for the purpose of
3 increasing the supply of water which can be used
4 for its high service, the city of Boston is hereby au-
5 thorized by and through the agency of the Boston
6 water board to construct and maintain new reser-
7 voirs, and connect the same by aqueducts and pipes
8 with its present sources of water supply, and with
9 its present reservoirs, aqueducts and pipes, and to
10 construct and maintain new works and pumping
11 stations in connection with said new reservoirs ; and
12 for this purpose may take and hold by purchase or

13 otherwise any lands or real estate necessary there-
14 for, situate in the cities of Boston or Newton, or in
15 the town of Brookline, and lay said aqueducts and
16 pipes over or under any water-course or any streets,
17 turnpike roads, railroads, highways or other ways,
18 in such manner as not to unnecessarily obstruct or
19 impede the travel thereon ; and may enter upon and
20 dig up any such roads, streets or ways, for the pur-
21 pose of laying down said pipes beneath the surface
22 thereof, and for maintaining and repairing the same ;
23 but always in such manner and with such care as
24 not to render the roads, streets and ways unneces-
25 sarily unsafe or inconvenient to the public travel
26 thereon. And said city of Boston in performing
27 said work shall not unnecessarily interfere with any
28 existing sewers, water or gas pipes, and shall be
29 subject to such reasonable regulations as to time,
30 place and manner of digging up any streets or ways
31 of public travel for the purposes aforesaid, and the
32 laying of said pipes, as shall be made by the city
33 council of the city of Newton or the selectmen of
34 the town of Brookline, within the limits of said
35 city or town, for the protection of their rights of
36 drainage and sewerage therein and the public rights
37 of passage thereon.

1 SECT. 2. Whenever the city of Boston shall dig
2 up any street or way as aforesaid, it shall restore
3 the same to as good order and condition as the same
4 shall be in when such digging commenced ; and the
5 city of Boston shall at all times indemnify and save
6 harmless the city of Newton and the town of Brook-

7 line against all damage which may be recovered
8 against them respectively, and shall re-imburse to
9 them respectively all expenses which they shall
10 incur by reason of any defect or want of repair in
11 any street or way, caused by the construction of said
12 aqueduct or the laying of said pipes, or by the
13 maintaining or repairing the same: *provided*, that
14 the city of Boston shall have due and reasonable
15 notice of all claims for such damages or injury, and
16 opportunity to make a legal defence thereto.

1 SECT. 3. The city of Boston shall be liable to
2 pay all damages that shall be sustained by any per-
3 sons in their property by the taking of any land or
4 real estate or the laying of said pipes as aforesaid ;
5 and any person sustaining damage as aforesaid may
6 have the same ascertained, determined, collected
7 and paid in the manner which is provided in sec-
8 tions six, seven and eight of chapter one hundred
9 and sixty-seven of the acts of the year eighteen
10 hundred and forty-six.

1 SECT. 4. Upon requisition by the city council of
2 the city of Newton, or the board of selectmen of
3 the town of Brookline, prior to the laying of the
4 said aqueduct and pipes through their respective
5 limits, the city of Boston shall insert a number of
6 hydrants in said pipes at points not less than one
7 thousand feet apart, to be used for extinguishing
8 fires, free of charge, and for no other purpose ; and
9 said city or town shall pay to the city of Boston the
10 expense of inserting and keeping in repair such

11 hydrants as shall have been so inserted upon their
12 requisitions aforesaid within their respective limits.

1 SECT. 5. This act shall take effect upon its
2 acceptance by the city council of the city of Bos-
3 ton. [*Approved March 24, 1881.*]

NUMBER 7.

[CHAP. 59.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

In addition to "An Act to incorporate the Hingham 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. The Hingham Water Company is
2 hereby authorized to extend its water pipes or con-
3 duits through the towns of Hull and Cohasset, or
4 any parts thereof, for the purpose of supplying the
5 inhabitants of said towns, respectively, with pure
6 water for the extinguishment of fires, generation of
7 steam, domestic and other purposes ; and it shall
8 have the same privileges, rights and powers in and
9 for these localities that are granted it by chapter
10 one hundred and thirty-nine of the acts of the year
11 eighteen hundred and seventy-nine in and for the
12 town of Hingham : *provided*, that whenever for any

13 reason the supply of water shall not be more than
14 sufficient for the needs of the residents of the towns
15 of Hingham and Hull, the residents of the towns of
16 Hingham and Hull shall be first supplied ; and *pro-*
17 *vided, further,* that whenever for any reason the
18 supply of water shall not be more than sufficient
19 for the needs of the residents of the town of Hing-
20 ham, the residents of the town of Hingham shall
21 be first supplied.

1 SECT. 2. Said corporation shall within ninety
2 days after the taking of any land under this act,
3 otherwise than by purchase, file in the registry of
4 deeds for the county in which the land so taken
5 lies, a description thereof sufficiently accurate for
6 identification, with a statement of the purpose for
7 which the same is taken, signed by the president
8 of the corporation ; and the title of the land so
9 taken shall vest in the said corporation.

1 SECT. 3. Said corporation may make such con-
2 tracts with the towns of Hull and Cohasset, respec-
3 tively, to supply water for fire or other purposes,
4 as may be agreed upon by said towns, respectively,
5 and said corporation.

1 SECT. 4. Any person or corporation injured in
2 property by any of the acts of said corporation
3 under this act, and failing to agree with said corpo-
4 ration as to the amount of damages, may have the
5 same assessed and determined in the manner pro-
6 vided when land is taken for highways. There

7 shall be the same limitation as to the time in which
8 suits for injury to person shall be brought, as is
9 provided in section four of said chapter one hun-
10 dred and thirty-nine of the acts of the year eighteen
11 hundred and seventy-nine, and the same forfeitures,
12 payments, fines and penalties for the destruction or
13 injury of the works or property held, owned or used
14 by said corporation, under the authority of and
15 used for the purposes of this act, as are provided
16 in section five of said act ; and the town of Hing-
17 ham shall have the same right to purchase the
18 corporate property and rights acquired by said cor-
19 poration under this act ; and, in case of purchase,
20 the same rights to issue notes, bonds, scrip or cer-
21 tificates of debt, and to sell or pledge the same, or
22 any part thereof, and be subject to the same lia-
23 bilities, and have the same powers, as are provided
24 in said former act.

1 SECT. 5. This act shall take effect upon its pas-
2 sage. [*Approved March 3, 1881.*]

NUMBER 9.

[CHAP. 267.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To incorporate the Lexington 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. Moses Joy, junior, Benjamin F.
2 Brown, George O. Whiting, Hammond Reed and
3 Leonard A. Saville, their associates and successors,
4 are hereby made a corporation by the name of the
5 Lexington Water Company, for the purpose of fur-
6 nishing the inhabitants of Lexington with pure water
7 for the extinguishment of fires and for domestic and
8 other purposes, with 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 may
11 hereafter be in force regulating such corporations.

1 SECT. 2. Said corporation may for the purposes
2 aforesaid take, hold and convey through the town
3 of Lexington, or any part thereof, the water, so far
4 as may be necessary for the purpose, of any spring
5 or springs situated within thirty rods of the Lincoln
6 road, and on the southerly side thereof, at the foot
7 of Concord hill, but not northerly of Concord road,
8 and shall not take the waters of Vine Brook ; and
9 may take and hold by purchase or otherwise, within
10 the area aforesaid, for the purpose of utilizing the
11 springs therein and for the preservation and purity
12 of the same, any portion of the real estate there
13 lying and being, but shall take no part of said Vine
14 Brook ; and may take and hold also so much other
15 real estate lying and being on the northerly side of
16 said Lincoln road between said road and the Concord
17 road in said town, as may be required for forming
18 any dams or reservoirs, to hold the same, and such
19 other real estate in said town as may be necessary
20 for laying and maintaining aqueducts and pipes for
21 distributing the water so taken and held ; and may
22 lay its water pipes through any private lands, with
23 the right to enter upon the same and dig therein
24 for the purpose of making all necessary repairs or
25 service connections ; and for the purposes aforesaid
26 may carry its pipes over or under any water course,
27 street, railroad, highway or other way, in such man-
28 ner as not unnecessarily to obstruct the same ; and
29 may, under the direction of the board of selectmen,
30 enter upon and dig up any road or other way for
31 the purpose of laying or repairing its aqueducts,
32 pipes or other works ; and in general may do any

33 other acts and things convenient and proper for
34 carrying out the purposes of this act.

1 SECT. 3. Said corporation shall, within sixty days
2 after the taking of any land under the provisions
3 of this act otherwise than by purchase, file in the
4 registry of deeds of the southern district of Middle-
5 sex County a description of any land so taken, suffi-
6 ciently accurate for identification, with a statement
7 of the purposes for which it is so taken; and the
8 title to land so taken shall vest in said corporation.
9 Any person or corporation injured in property by
10 any acts of said corporation, and failing to agree
11 with said corporation as to the amount of damages,
12 may have the same assessed and determined in the
13 manner provided when land is taken for highways;
14 but no application shall be made to the county com-
15 missioners for the assessment of damages for the
16 taking of water rights until the water is actually
17 taken and diverted by said corporation. Any per-
18 son whose water rights are thus taken or affected
19 may apply as aforesaid within three years from the
20 time the water is actually withdrawn or diverted,
21 and not thereafter; and no suit for injury done
22 under this act shall be brought after two years from
23 the date of the alleged receipt of injury.

1 SECT. 4. Said corporation may distribute the
2 water through said Lexington; may establish and
3 fix from time to time the rates for the use of said
4 water, and collect the same; and may make such
5 contracts with the town of Lexington, or with any

6 fire district, or with individuals or corporations, to
7 supply water for fire or for other purposes, as may
8 be agreed upon by said town or fire district or indi-
9 viduals or corporations and said corporation.

1 SECT. 5. Said corporation, for the purposes set
2 forth in this act, may hold real and personal estate
3 not exceeding in amount thirty thousand dollars;
4 and the whole capital stock shall not exceed sixty
5 thousand dollars, to be divided into shares of fifty
6 dollars each.

1 SECT. 6. If any person shall use any of said
2 water taken under this act without the consent of
3 said corporation, or shall wantonly or maliciously
4 divert the water or any part thereof so taken, or
5 corrupt the same or render it impure, or destroy or
6 injure any dam, aqueduct, pipe, conduit, hydrant,
7 machinery or other works or property held, owned
8 or used by said corporation under the authority of
9 and for the purposes of this act, he shall forfeit and
10 pay to said corporation three times the amount of
11 damages assessed therefor, to be recovered in an
12 action of tort; and, on conviction of either of the
13 wanton or malicious acts aforesaid, may be punished
14 by a fine not exceeding three hundred dollars, or by
15 imprisonment in jail not exceeding one year.

1 SECT. 7. The Lexington Water Company may
2 issue bonds and secure the same by a mortgage on
3 its works, structures, equipments, franchise and
4 other property, real or personal, to an amount which

5 shall not exceed the capital stock of said company
6 actually paid in and applied to the construction or
7 completion of said Lexington Water Company's
8 works.

1 SECT. 8. The town of Lexington shall have the
2 right, at any time during the continuance of the
3 charter hereby granted, to purchase the corporate
4 property and all the rights and privileges of said
5 company, at a price which may be mutually agreed
6 upon between said corporation and the said town of
7 Lexington; and the said corporation is authorized
8 to make sale of the same to said town. In case said
9 corporation and said town are unable to agree, then
10 the compensation to be paid shall be determined by
11 three commissioners to be appointed by the supreme
12 judicial court upon application of either party, and
13 notice to the other, whose award, when accepted by
14 the said court, shall be binding upon both parties.
15 And this authority to purchase said franchise and
16 property is granted on condition that the same is
17 assented to by said town by a two-thirds vote of the
18 voters present and voting thereon at a meeting called
19 for that purpose; the number of meetings called for
20 that purpose in any one year not to exceed two.

1 SECT. 9. This act shall be null and void unless
2 said corporation shall within two years from the
3 passage hereof avail itself of its provisions, and com-
4 mence a prosecution of the work herein authorized.

1 SECT. 10. The owners of lands and water rights

2 taken under this act, and the owners of land entered
3 upon for the purpose of laying pipes or digging
4 therein for the purpose of making repairs or service
5 connections, upon application by either party for an
6 estimate of damages, may require said corporation
7 to give security, satisfactory to the board of select-
8 men of said town, for the payment of all damages
9 and costs which may be awarded to them for the
10 land or other property taken, or for the entry for
11 the purposes aforesaid. And if, upon petition of the
12 owner with notice to the adverse party, the security
13 appears to the selectmen of said town to have be-
14 come insufficient, they shall require said corporation
15 to give further security to their satisfaction, and all
16 the right or authority of the corporation to enter
17 upon or use said land and other property, except for
18 making surveys, shall be suspended until it gives
19 the security required.

1 SECT. 11. This act shall take effect upon its
2 passage. [*Approved May 12, 1881.*]

NUMBER 10.

[CHAP. 77.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To incorporate the Milford 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. Moses Joy, junior, Charles W. Ship-
2 pee, John P. Daniels, Ephraim L. Wires, Charles
3 F. Claflin, their associates and successors, are here-
4 by made a corporation by the name of the Milford
5 Water Company, for the purpose of furnishing the
6 inhabitants of Milford with pure water for the ex-
7 tinguishment of fires, and for domestic and other
8 purposes, with all the powers and privileges, and
9 subject to all the duties, restrictions and liabili-
10 ties set forth in the general laws which now are or
11 may hereafter be in force regulating such corpora-
12 tions.

1 SECT. 2. Said corporation may take, hold and
2 convey through the town of Milford, or any part
3 thereof, the water, so far as may be necessary for
4 the purpose, of any spring or springs, or of any
5 stream or streams, within said town of Milford, and
6 may take and hold, by purchase or otherwise, any
7 real estate necessary for the preservation and purity
8 of the same, or for forming any dams or reservoirs
9 to hold the same, and for laying and maintaining
10 aqueducts and pipes for distributing the water so
11 taken and held; and may lay its water pipes through
12 any private lands, with the right to enter upon the
13 same and dig therein for the purpose of making all
14 necessary repairs or service connections; and for the
15 purposes aforesaid may carry its pipes under or over
16 any water-course, street, railroad, highway or other
17 way, in such manner as not unnecessarily to obstruct
18 the same; and may, under the direction of the
19 board of selectmen, enter upon and dig up any road
20 or other way for the purpose of laying or repairing
21 its aqueducts, pipes or other works; and in general
22 may do any other acts and things convenient or
23 proper for carrying out the purposes of this act.

1 SECT. 3. Said corporation shall, within sixty days
2 after the taking of any land or water rights under
3 the provisions of this act, file in the registry of
4 deeds of the county of Worcester a description of
5 any land so taken, sufficiently accurate for identifi-
6 cation, with a statement of the purposes for which
7 it is so taken, and the title of the land so taken shall
8 vest in said corporation. Any person or corporation

9 injured in any way by any acts of said corporation,
10 and failing to agree with said corporation as to the
11 amount of damages, may have the same assessed
12 and determined in the manner provided when land
13 is taken for highways; but no application shall be
14 made to the county commissioners for the assess-
15 ment of damages for the taking of water rights
16 until the water is actually taken and diverted by
17 said corporation. Any person whose water rights
18 are thus taken or affected may apply as aforesaid
19 within three years from the time the water is actu-
20 ally withdrawn or diverted, and not thereafter; and
21 no suit for injury done under this act shall be
22 brought after three years from the date of the
23 alleged receipt of injury.

1 SECT. 4. Said corporation may distribute the
2 water through said Milford; may establish and fix
3 from time to time the rates for the use of said water,
4 and collect the same; and may make such contracts
5 with the town of Milford, or any fire district that
6 may hereafter be established therein, or with indi-
7 viduals or corporations, to supply water for fire or
8 for other purposes, as may be agreed upon by said
9 town or fire district or individuals or corporations,
10 and said corporation.

1 SECT. 5. Said corporation, for the purposes set
2 forth in this act, may hold real estate not exceeding
3 in amount sixty thousand dollars; and the whole
4 capital stock shall not exceed one hundred thousand
5 dollars, to be divided into shares of fifty dollars
6 each.

1 SECT. 6. If any person shall use any of said
2 water taken under this act, without the consent of
3 said corporation, or shall wantonly or maliciously
4 divert the water or any part thereof so taken, or cor-
5 rupt the same, or render it impure, or destroy or
6 injure any dam or aqueduct, pipe, conduit, hydrant,
7 machinery, or other works or property held, owned
8 or used by said corporation, under the authority of
9 and for the purposes of this act, he shall forfeit and
10 pay to said corporation three times the amount of
11 damages assessed therefor, to be recovered in an
12 action of tort; and, on conviction of either of the
13 wanton or malicious acts aforesaid, may be punished
14 by a fine not exceeding three hundred dollars, or by
15 imprisonment in jail not exceeding one year.

1 SECT. 7. Said corporation may purchase from the
2 owner or owners of any aqueduct now used in fur-
3 nishing water to the inhabitants of said town of
4 Milford, his or their whole water right, estate, prop-
5 erty and privileges, and by such purchase shall be-
6 come entitled to all the rights and privileges, and
7 subject to all the liabilities and duties, appertaining
8 and belonging to such owner or owners.

1 SECT. 8. The Milford Water Company may issue
2 bonds, and secure the same by a mortgage on its
3 works, structures, equipments, franchise, and other
4 property, real or personal, to an amount which shall
5 not exceed the capital stock of said company actu-
6 ally paid in and applied to the construction or com-
7 pletion of said Milford Water Company's works.

1 SECT. 9. The town of Milford shall have the
2 right at any time during the continuance of the
3 charter hereby granted, to purchase the corporate
4 property and all the rights and privileges of said
5 company, at a price which may be mutually agreed
6 upon between said corporation and the said town of
7 Milford; and the said corporation is authorized to
8 make sale of the same to said town. In case said
9 corporation and said town are unable to agree, then
10 the compensation to be paid shall be determined by
11 three commissioners, to be appointed by the supreme
12 judicial court upon application of either party and
13 notice to the other, whose award, when accepted by
14 said court, shall be binding upon both parties. And
15 this authority to purchase said franchise and prop-
16 erty is granted on condition that the same is assent-
17 ed to by said town by a two-thirds vote of the voters
18 present and voting thereon, at a meeting called for
19 that purpose.

1 SECT. 10. This act shall be null and void unless
2 said corporation shall within three years from the
3 passage thereof avail itself of its provisions, and
4 commence a prosecution of the work herein author-
5 ized.

1 SECT. 11. The owners of lands and water rights
2 taken under this act, upon application by either
3 party for an estimate of damages, may require said
4 corporation to give security, satisfactory to the board
5 of selectmen of said town, for the payment of all
6 damages and costs which may be awarded to them

7 for the land or other property taken. And if, upon
8 petition of the owner with notice to the adverse
9 party, the security appears to the selectmen of said
10 town to have become insufficient, they shall require
11 said corporation to give further security to their
12 satisfaction, and all the right or authority of the cor-
13 poration to enter upon or use said land and other
14 property, except for making surveys, shall be sus-
15 pended until it gives the security required.

1 SECT. 12. This act shall take effect upon its
2 acceptance by a vote of a majority of the legal voters
3 of said town of Milford, present and voting at a
4 meeting duly warned for that purpose. [*Approved*
5 *March 9, 1881.*

NUMBER 14.

[CHAP. 76.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To incorporate the Uxbridge 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. Moses Taft, Alonzo W. Bennett,
2 Charles A. Taft, Martin S. Brown, William E. Hay-
3 ward, Eben B. Hayward, J. Walter Day, George
4 F. Day and Lewis H. Murdock, their associates and
5 successors, are hereby made a corporation by the
6 name of the "Uxbridge Water Company," for the
7 purpose of furnishing the inhabitants of Uxbridge
8 with pure water for the extinguishment of fires,
9 domestic and other purposes ; with all the powers
10 and privileges, and subject to all the duties, restric-
11 tions and liabilities set forth in all general laws
12 which now are or hereafter may be in force appli-
13 cable to such corporations.

1 SECT. 2. Said corporation, for all the purposes
2 aforesaid, may take, hold and convey into and
3 through the town of Uxbridge, or any part thereof,
4 the water in what is known as the Zadok A. Taft
5 Brook, together with the springs which feed and
6 supply said brook, situated near the centre village
7 of said town, on the southwesterly side of the road
8 leading from Main street to Pascoag, R.I. (said
9 springs being on land of O. C. Smiley), and may
10 take and hold, by purchase or otherwise, any real
11 estate necessary for the preservation and purity of
12 the same, or for forming any dams or reservoirs to
13 hold the same, and for laying and maintaining aque-
14 ducts and pipes for distributing the waters so taken
15 and held; and may lay its water pipes through any
16 private lands, with the right to enter upon the same
17 and dig therein for the purpose of making all ne-
18 cessary repairs; and for the purposes aforesaid may
19 carry its pipes under or over any water-course,
20 street, railroad, highway or other way, in such man-
21 ner as not to unnecessarily obstruct the same; and
22 may, under the direction of the board of selectmen,
23 enter upon and dig up any road or other way for
24 the purpose of laying or repairing its aqueducts,
25 pipes, or other works; and in general may do any
26 other acts and things necessary and proper for car-
27 rying out the purposes of this act.

1 SECT. 3. Said corporation shall, within sixty days
2 after the taking of any land under the provisions of
3 this act, file in the registry of deeds of the county
4 of Worcester a description of any land so taken,

5 sufficiently accurate for identification, with a state-
6 ment of the purposes for which it is so taken; and
7 the title to the land so taken shall vest in said cor-
8 poration. Any person injured in his property by
9 any acts of said corporation, and failing to agree
10 with said corporation as to the amount of damages,
11 may have the same assessed and determined in the
12 manner provided when land is taken for highways;
13 and no suit for injury done under this act shall be
14 brought after three years from the date of the
15 alleged receipt of injury.

1 SECT. 4. Said corporation may distribute the
2 water through said Uxbridge; may establish and fix
3 from time to time the rates for the use of said water,
4 and collect the same; and may make such contracts
5 with the town of Uxbridge, or any fire district that
6 may be hereafter established, or with individuals, to
7 supply water for fires or for other purposes, as may
8 be agreed upon by said town, or such fire district
9 or individuals, and said corporation.

1 SECT. 5. Said corporation, for the purposes set
2 forth in this act, may hold real and personal estate
3 not exceeding ten thousand dollars in value; and
4 the whole capital stock shall not exceed ten thou-
5 sand dollars, to be divided into shares of one hun-
6 dred dollars each.

1 SECT. 6. If any person shall use any of said
2 water taken under this act, without the consent of
3 said corporation, or shall wantonly or maliciously

4 divert the water, or any part thereof so taken, or
5 corrupt the same, or render it impure, or destroy or
6 injure any dam, aqueduct, pipe, conduit, hydrant,
7 machinery, or other works or property held, owned
8 or used by said corporation under the authority of
9 and for the purposes of this act, he shall forfeit and
10 pay to said corporation three times the amount as-
11 sessed therefor, to be recovered in an action of tort ;
12 and on conviction of either of the wanton or mali-
13 cious acts aforesaid, may be punished by a fine not
14 exceeding three hundred dollars, or by imprisonment
15 in jail not exceeding one year.

1 SECT. 7. The town of Uxbridge, and any fire dis-
2 trict that may be established therein, shall have the
3 right, at any time during the continuance of the
4 charter hereby granted, to purchase the corporate
5 property and all the rights and privileges of said
6 company, at the actual cost of the same ; or, if
7 mutually agreed upon between said corporation and
8 said town or any such fire district, at a less price ;
9 and said corporation is hereby authorized to make
10 sale of the same to said town or such fire district ;
11 but such authority to purchase said franchise and
12 property is granted to said town, or fire district,
13 upon the condition that the same is assented to by
14 said town or fire district by a two-thirds vote of the
15 voters present and voting thereon at any annual
16 meeting, or at a legal meeting called to act on the
17 subject.

1 SECT. 8. The owners of lands and water rights

2 taken under this act, upon application by either
3 party for an estimate of damages, may require said
4 corporation to give security, satisfactory to the board
5 of selectmen of said town, for the payment of all
6 damages and costs which may be awarded to them
7 for the land or other property taken. And if, upon
8 petition of the owner with notice to the adverse
9 party, the security appears to the selectmen of said
10 town to have become insufficient, they shall require
11 said corporation to give further security to their
12 satisfaction, and all the right or authority of the
13 corporation to enter upon and use said land and
14 other property, except for making surveys, shall be
15 suspended until it gives the security required.

1 SECT. 9. This act shall be null and void unless
2 said corporation shall within three years from the
3 passage thereof avail itself of its provisions, and
4 commence a prosecution of the work herein author-
5 ized.

1 SECT. 10. This act shall take effect upon its pas-
2 sage. [*Approved March 9, 1881.*]

NUMBER 16.

[CHAP. 79.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

In addition to "An Act for supplying South Adams with pure Water."

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. The South Adams fire district is
2 authorized by and through the agency of the pru-
3 dential committee of said district, for the purpose
4 of furnishing an additional supply of water for the
5 purposes mentioned in chapter one hundred and
6 ninety-seven of the acts of the year one thousand
7 eight hundred and seventy-three, to take and hold,
8 by purchase or otherwise, in addition to the water,
9 water rights and lands now held by said district,
10 under and by virtue of said chapter, any lands on or
11 near Bassett's Brook in the towns of Cheshire and
12 Adams, so far as the same may be necessary to

13 erect and maintain one or more dams to raise and
14 retain the water in said brook, make and maintain
15 reservoirs, lay aqueducts for discharging said waters,
16 preserving the purity thereof, and securing a way
17 to and from the same.

1 SECT. 2. Said district shall be liable to pay all
2 damages sustained by any person or corporation in
3 their property, by taking of any lands by said dis-
4 trict for the purposes aforesaid. If any person or
5 corporation sustaining damage as aforesaid cannot
6 agree with said district upon the amount of said
7 damages, they may have them assessed in the man-
8 ner provided by law with respect to land taken for
9 highways.

1 SECT. 3. For the purpose of defraying the ex-
2 penses which may be incurred by said district in
3 carrying into effect the powers granted by this act,
4 the town of Adams may issue from time to time
5 notes, scrip, or certificates of debt, to be denomi-
6 nated on the face thereof "South Adams Water
7 Scrip," to an amount not exceeding twenty thousand
8 dollars, and bearing interest not exceeding six per
9 centum per annum. Said interest shall be paid
10 semi-annually, and the principal shall be payable at
11 a period not more than twenty years from the issue
12 of said notes, scrip, or certificates respectively. All
13 notes, scrip, or certificates issued as aforesaid, shall
14 be signed by the treasurer of said town and counter-
15 signed by the chairman of the selectmen, and a
16 record of said notes, scrip, and certificates shall be

17 made and kept by said treasurer. The town of
18 Adams may loan said notes, scrip, or certificates to
19 the South Adams fire district upon such terms and
20 conditions as may be by said town prescribed; and
21 said district may sell the same or any part thereof,
22 from time to time, or pledge the same for money
23 borrowed for the purpose aforesaid, upon such rates,
24 or upon such terms, as said fire district shall deem
25 proper.

1 SECT. 4. The town of Adams may assess and
2 collect upon the estates real and personal in said
3 fire district all taxes necessary to pay the principal
4 and interest of the notes, scrip, and certificates issued
5 and loaned as aforesaid.

1 SECT. 5. Said fire district shall, within six
2 months from the time of taking any lands as before
3 provided, file in the registry of deeds of the north-
4 ern district of Berkshire an accurate description of
5 the lands so taken; and said district shall, upon the
6 written request of any person whose lands are so
7 taken, furnish him with an accurate description of
8 the same.

1 SECT. 6. The provisions of section ten of said
2 chapter are hereby extended and shall apply to any
3 lands, dams and works taken, erected or maintained
4 by said district under and by virtue of this act.

1 SECT. 7. This act shall take effect upon its pas-
2 sage. [*Approved March 12, 1881.*]

NUMBERS 17 & 45.

[CHAP. 65.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

RESOLVE

In favor of the State Prison at Concord.

1 *Resolved*, That there be allowed and paid out of the
2 treasury of the Commonwealth a sum not exceeding
3 six thousand dollars, to be expended under the ap-
4 proval of the commissioners of prisons, for the
5 ventilation of the state prison buildings, and for the
6 disposition of the sewage in the prison precincts.
7 The board of health, lunacy and charity, whenever
8 requested so to do by the selectmen of the town of
9 Concord, shall ascertain whether the sewage of the
10 state prison has been purified or cleansed in a man-
11 ner satisfactory to said board. If upon investigation
12 they shall find that it has not been so purified or
13 cleansed, they shall forthwith notify the board of
14 commissioners of prisons to that effect, and said board
15 of commissioners shall thereupon forthwith proceed
16 to purify and cleanse said sewage in such manner

17 as said board of health, lunacy and charity shall in
18 writing approve, or so dispose of the same that no
19 part thereof shall enter the Assabet River. [*Ap-*
20 *proved May 12, 1881.*

NUMBER 18.

[CHAP. 174.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To Supply the Town of Weymouth with Pure Water.

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. The town of Weymouth is hereby
2 authorized to supply itself and its inhabitants with
3 pure water to extinguish fires, generate steam, and
4 for domestic and other uses ; and may establish pub-
5 lic fountains and hydrants, regulate their use, and
6 discontinue the same, and may collect such rents as
7 may be fixed for the use of said water.

1 SECT. 2. Said town, for the purposes aforesaid,
2 may take and hold the waters of Weymouth Great
3 Pond, so called, in the town of Weymouth, and the
4 waters which flow into and from the same, together
5 with any water rights connected therewith, and
6 may also take and hold, by purchase or otherwise,
7 all necessary lands for raising, flowing, holding,

8 diverting, conducting, purifying and preserving such
9 waters, and conveying the same to any and all parts
10 of said town of Weymouth ; and may erect thereon
11 proper dams, reservoirs, buildings, fixtures, and
12 other structures, and make excavations and em-
13 bankments, and procure and run machinery there-
14 for ; and for the purposes of this act may construct
15 and lay down conduits, pipes, and drains in, under,
16 or over any lands, water courses, or railroads, and
17 along any street, highway, alley, or other way,
18 but in such a manner as not unnecessarily to
19 obstruct the same ; and for the purpose of con-
20 structing, laying down, maintaining, and repairing
21 such conduits, pipes and drains, and for all other
22 proper purposes of this act, may dig up, raise,
23 and embank any such lands, street, highway, alley,
24 or other way, in such a manner as to cause the
25 least hindrance to travel thereon : *provided*, that
26 within ninety days after the time of taking any
27 lands, waters, or water courses as aforesaid, other-
28 wise than by purchase, said town shall file in the
29 registry of deeds for the county of Norfolk a de-
30 scription thereof sufficiently accurate for identifica-
31 tion, with a statement of the purposes for which the
32 same is taken, signed by a majority of the water
33 commissioners hereinafter named.

1 SECT. 3. Said town of Weymouth shall be liable
2 to pay all damages sustained by any persons or corpo-
3 rations in their property by the taking of any lands,
4 water, or water rights, or by the construction of any
5 aqueducts or other works for the purposes aforesaid.

7 If any person or corporation sustaining damages
8 as aforesaid cannot agree with the town upon the
9 amount of such damages, they may have them
10 assessed in the manner provided by law with respect
11 to land taken for highways ; but no application shall
12 be made to the county commissioners for the assess-
13 ment of damages for the taking of water rights,
14 until the water is actually taken and diverted by
15 said town. Any person whose water rights are
16 thus taken or affected may apply as aforesaid with-
17 in three years from the time the water is actually
18 withdrawn or diverted, and not thereafterwards.

1 SECT. 4. For the purpose of paying all necessary
2 expenses and liabilities incurred under the provisions
3 of this act, said town of Weymouth shall have
4 authority, from time to time, to issue notes, bonds,
5 or scrip, signed by its treasurer and countersigned
6 by the chairman of the selectmen thereof, to be
7 denominated "Weymouth Water Loan," to an
8 amount not exceeding three hundred thousand dol-
9 lars, payable at periods not exceeding thirty years
10 from the date thereof, with interest payable semi-
11 annually, at a rate not exceeding seven per centum
12 per annum ; and said town may sell said bonds at
13 public or private sale, upon such terms and condi-
14 tions as it may deem proper, and may raise money
15 by taxation to pay said bonds and interest thereon
16 when due ; but said town shall not raise more than
17 five thousand dollars in any one year to pay the
18 principal of said bonds, except the year in which
19 the same may become due.

1 SECT. 5. The treasurer of said town and the
2 chairman of the selectmen thereof, *ex officiis*, and
3 three persons to be elected by ballot by the said
4 inhabitants, as hereinafter provided, shall form a
5 board of water commissioners, who shall execute,
6 superintend and direct the performance of all the
7 works, matters and things mentioned in this act,
8 and exercise all the rights, powers and privileges
9 hereby granted, and not otherwise specifically pro-
10 vided for herein, subject to the vote of said town.

1 SECT. 6. At any annual meeting of the inhabit-
2 ants of said town, or at any special meeting called
3 for the purpose, one of the three persons to be
4 elected according to the provisions of the preceding
5 section shall be elected for a term ending one year,
6 one for a term ending two years, and one for a term
7 ending three years, from the next succeeding annual
8 town meeting; after which first election a member
9 of said board, as the term of each expires, shall be
10 elected at the annual town meeting for the term of
11 three years. Vacancies may be filled at any town
12 meeting duly called for the purpose. Said commis-
13 sioners shall receive such compensation as the said
14 town by vote may prescribe; and a majority of said
15 commissioners shall be a quorum for the exercise of
16 the powers and duties prescribed by this act.

1 SECT. 7. Said water commissioners shall, from
2 time to time, establish such prices or rents for the
3 use of the water, as to provide annually, if practica-
4 ble, from the net income and receipt therefor, for the

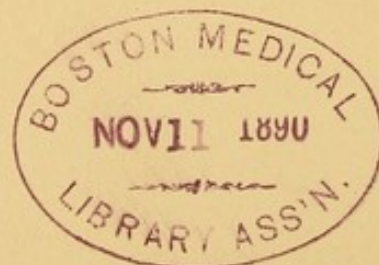
5 payment of the interest on the "Weymouth Water
6 Loan," and also, after three years from the introduc-
7 tion of the water into said town, for the further
8 payment of not less than one per centum of the prin-
9 cipal of said bonds. The net surplus income and
10 receipts, after deducting all expenses, interest and
11 charges of distribution, shall be set apart as a sink-
12 ing fund, and applied solely to the payment of the
13 principal of said bonds until the same are fully paid
14 and discharged. Said water commissioners shall be
15 trustees of said fund, and shall annually, and as often
16 as said town may require, render an account of all
17 their doings in relation thereto.

1 SECT. 8. At any time after the expiration of
2 three years from the introduction of said water into
3 said town, and before the reimbursement of the prin-
4 cipal of said "Weymouth Water Loan," if the sur-
5 plus income and receipts for the use of the water
6 distributed under this act at the price established
7 by the water commissioners, after deducting all ex-
8 penses and charges of distribution, shall for any
9 two successive years be insufficient to pay the accru-
10 ing interest on the said loan, and the one per centum
11 to the sinking fund as aforesaid, then the supreme
12 judicial court, or any justice thereof, on the petition
13 of twenty-five or more of the legal voters of said
14 town, praying that the said price of said water be in-
15 creased so far as may be necessary for the purpose
16 of paying from the said surplus income and receipts
17 the said accruing interest, and the said one per
18 centum to the sinking fund, — and upon due notice

19 of the pendency of such petition, given to said town
20 in such manner as said court shall order, — may
21 appoint three commissioners, who, upon due notice
22 to the parties interested, may raise and increase the
23 said price if they shall judge proper, so far as may
24 be necessary for the purpose aforesaid, and no
25 further; and the award of said commissioners, or
26 the major part of them, being returned to said court
27 at the next term thereof, for the county of Norfolk,
28 and accepted by said court, shall be binding and
29 conclusive for the term of three years next after the
30 said acceptance, and until the price so fixed shall,
31 after said term, be changed by the said water com-
32 missioners or by said town.

1 SECT. 9. The occupant of any tenement or build-
2 ing shall be liable for the payment of the rent for the
3 use of the water in such tenement or building, and
4 the owner thereof shall also be liable, on being no-
5 tified of such use, until he shall object thereto by
6 written notice to said water commissioners.

1 SECT. 10. Any person who shall use said water
2 without the consent of the town, or who shall wan-
3 tonly or maliciously divert the water, or any part
4 thereof, taken, held or used under the provisions of
5 this act, or who shall wantonly or maliciously cor-
6 rupt the same, or render it impure, or who shall
7 wantonly or maliciously destroy or injure any dam,
8 conduit, aqueduct, pipe or hydrant, or other prop-
9 erty, real or personal, held, owned or used by the
10 said town for the purposes of this act, shall pay



11 three times the actual damage to said town, to be
12 recovered in an action of tort. Any such person, on
13 conviction of either of the wanton or malicious acts
14 aforesaid, shall be punished by fine not exceeding
15 one hundred dollars, or imprisonment not exceeding
16 six months, or both said penalties.

1 SECT. 11. This act shall take effect upon its
2 passage ; but nothing shall be done, or any expendi-
3 ture made, or liability incurred under the same,
4 except for preliminary surveys and estimates, unless
5 this act shall first be accepted by vote of a majority
6 of the legal voters of said town, present and voting
7 thereon at a legal meeting called for that purpose,
8 within three years from the date of the passage of
9 this act ; the number of said meetings called for
10 that purpose in one year not to exceed three. [*Ap-*
11 *proved April 6, 1881.*

NUMBER 20.

[CHAP. 206.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To supply the Town of Framingham with Pure Water.

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. The town of Framingham is hereby
2 authorized to supply itself and its inhabitants with
3 pure water to extinguish fires, generate steam, and
4 for domestic and other uses ; to establish fountains
5 and hydrants ; to regulate their use, and re-locate
6 or discontinue the same, and to fix and collect rents
7 for the use of said water.

1 SECT. 2. Said town may take and hold of the
2 waters of Farm Pond and Sudbury River in said
3 Framingham, and the waters flowing into said Farm
4 Pond and Sudbury River, so much as may be neces-
5 sary for the purpose specified in section one of this
6 act, and may convey into and through said town of

7 Framingham said waters ; and may also take and
8 hold, by purchase or otherwise, all necessary lands
9 for raising, diverting, flowing and holding said
10 waters, and securing and preserving the purity of
11 the same, and such other lands in said town of
12 Framingham as may be necessary to construct and
13 maintain one or more storing and distributing reser-
14 voirs ; and may erect on said land proper dams,
15 buildings, fixtures and other structures, and make
16 thereon excavations and embankments, and pro-
17 cure and run machinery therefor, with such other
18 means and appliances as may be necessary for com-
19 plete and effective water works ; and for such pur-
20 poses may construct and lay down conduits, pipes and
21 drains in, under or over any lands, water courses,
22 roads or railroads, and along any street, highway,
23 alley or other way, in such manner as not to un-
24 necessarily obstruct the same ; and for the purpose
25 of constructing, laying down, maintaining and repair-
26 ing such conduits, pipes and drains, and for all other
27 purposes of this act, may dig up, raise and embank
28 any such lands, street, highway, alley or other way,
29 in such manner as to cause the least hindrance to
30 travel thereon ; and in general may do any other
31 acts and things necessary, convenient or proper for
32 carrying out the purposes of this act.

1 SECT. 3. The town of Framingham shall, within
2 ninety days from the time it shall take any lands
3 for the purposes of this act, file in the registry of
4 deeds of the county and district in which said lands
5 lie, a description of the land so taken as certain as

6 is required in a common conveyance of lands, and
7 a statement of the purposes for which they are
8 taken ; which description and statement shall be
9 signed by a majority of the selectmen of said town.

1 SECT. 4. The said town of Framingham shall be
2 liable to pay all damages sustained by any person,
3 persons or corporation in their property, by the tak-
4 ing of any lands, water, water sources, water rights
5 or easements, or by the construction of any dams,
6 aqueducts, reservoirs, water ways or other works,
7 for the purposes of this act. If any person, per-
8 sons or corporations sustaining damages as afore-
9 said cannot agree with the town upon the amount
10 of damages to be paid therefor, such person, persons
11 or corporation may have said damages assessed by
12 the county commissioners for the county of Middle-
13 sex, by making an application in writing therefor
14 to said commissioners within three years from the
15 taking of such lands, water, water sources, water
16 rights or easements, or the construction of dams,
17 reservoirs or other works, occasioning injury or
18 damage as aforesaid, but not thereafter ; and if
19 either party be aggrieved by the doings of said
20 county commissioners in the estimation of said
21 damages, he or they may have said damages deter-
22 mined by a jury ; and said commissioners and jury
23 shall have the same powers, and the proceedings in
24 all respects shall be conducted in the same manner,
25 as is provided by law with respect to damages for
26 land taken for highways.

1 SECT. 5. Three persons, to be elected by ballot
2 by the said inhabitants, as hereafter provided, shall
3 form a board of water commissioners, who shall
4 execute, superintend and direct the performance of
5 all the works, matters and things mentioned in this
6 act, and exercise all the rights, powers and privi-
7 leges hereby granted, and not otherwise specifically
8 provided for herein, subject to the vote of said
9 town. At any special or annual meeting of the
10 inhabitants of said town, called for the purpose,
11 one of the said board of water commissioners shall
12 be elected for three years, one for two years and
13 one for one year, from the next succeeding annual
14 town meeting ; after which first election, one third
15 of said board, as the term expires, shall be elected
16 at the annual town meeting for the term of three
17 years. The said commissioners shall receive such
18 salaries or compensation as the town by vote may
19 prescribe, and a majority of said commissioners shall
20 be a quorum for the exercise of the powers and
21 duties prescribed by this act. Such commissioners
22 shall be subject to such ordinances, rules and regu-
23 lations, in the execution of their trust, as the town
24 may from time to time ordain and establish, not
25 inconsistent with provisions of this act, and the
26 laws of the Commonwealth. Any vacancy occur-
27 ring in said board of commissioners from any cause
28 may be filled by said town at any legal town meet-
29 ing for the unexpired term.

1 SECT. 6. For the purpose of paying all necessary
2 expenses and liabilities incurred under the provis-

3 ions of this act, said town shall have authority to
4 issue notes, bonds or scrip from time to time signed
5 by the treasurer, and countersigned by the chairman
6 of the selectmen, to be denominated on the face
7 thereof " Framingham Water Loan," to an amount
8 not exceeding two hundred and fifty thousand dol-
9 lars, payable at periods not exceeding thirty years
10 from the date thereof, with interest payable semi-
11 annually at a rate not exceeding six per centum per
12 annum ; and said town may sell said securities at
13 public or private sale, or pledge the same for money
14 borrowed for the purposes of this act, upon such
15 terms and conditions as it may deem proper. And
16 said town shall annually raise by taxation an amount
17 sufficient, together with the net income and receipts
18 from rent for the use of said water, to pay the in-
19 terest on said loans as it accrues ; and shall also,
20 within two years after the introduction of water
21 into said town of Framingham, establish a sinking
22 fund, and contribute thereto from year to year an
23 amount raised annually by taxation, which, together
24 with the net surplus income and receipts, after
25 deducting all interest, expenses and charges of dis-
26 tribution, if any remains, shall be sufficient with the
27 accumulations of such amounts to extinguish said
28 loan at maturity ; and said sinking fund shall be
29 applied to the payment of the principal of said loan
30 until the same is fully discharged and paid, and for
31 no other purpose. The board of water commis-
32 sioners herein before named shall be the trustees
33 of said fund, and shall report the condition of the
34 same, and render an account of all their doings in
35 relation thereto annually to the town.

1 SECT. 7. Whoever wilfully corrupts, pollutes or
2 diverts any of the waters taken under this act, or
3 injures any dam, reservoir, aqueduct, conduit, pipe
4 or other property owned or used by said town for
5 the purposes of this act, shall forfeit and pay to
6 said town three times the amount of damages
7 assessed therefor, to be recovered in an action of
8 tort; and upon conviction of either of the above
9 acts shall be punished by a fine of not less than
10 thirty nor more than three hundred dollars, or by
11 imprisonment in jail not exceeding one year, or by
12 an infliction of both the above penalties.

1 SECT. 8. The occupant of any tenement shall
2 be liable for the payment of the rent for the use of
3 water in such tenement, and the owner shall also
4 be liable if, on being notified of such use, he does
5 not object thereto.

1 SECT. 9. This act shall take effect upon its pas-
2 sage; but no expenditure shall be made, or liability
3 incurred, under the same, except for preliminary
4 surveys and estimates, unless this act shall first be
5 accepted by a vote of two thirds of the legal voters
6 of said town present and voting thereon, at a legal
7 meeting called for that purpose within three years
8 from the passage of this act, and not more than
9 three of said meetings shall be called each year,
10 during said years. [*Approved April 20, 1881.*]

NUMBER 23.

[CHAP. 167.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To incorporate the Gloucester Water Supply 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. Joseph O. Procter, Robert R. Fears,
2 Samuel A. Stacy, Robert A. Tibbets, Nehemiah D.
3 Cunningham, their associates and successors, are
4 hereby made a corporation by the name of the
5 Gloucester Water Supply Company, for the purpose
6 of furnishing the inhabitants of Gloucester with
7 pure water for the extinguishment of fires and for
8 domestic, mechanical and other purposes ; with all
9 the powers and privileges, and subject to all the
10 duties, restrictions and liabilities set forth in all gen-
11 eral laws which now are or hereafter may be in
12 force applicable to such corporations.

1 SECT. 2. Said corporation may for the purposes
2 aforesaid take, hold and convey through the city of
3 Gloucester, or any part thereof, the water of any
4 springs, natural ponds, brooks or other water sources
5 in ward eight of said city, and may take and hold
6 by purchase or otherwise any real estate necessary
7 for the preservation and purity of the same, or for
8 forming any dams or reservoirs to hold the same,
9 and for laying and maintaining aqueducts and pipes
10 for distributing the water so taken and held; and
11 may lay its water pipes through any private lands,
12 with the right to enter upon the same and dig there-
13 in for the purpose of making all necessary repairs or
14 service connections; and for the purposes aforesaid
15 may carry its pipes under or over any water course,
16 street, railroad, highway or other way, in such man-
17 ner as not unnecessarily to obstruct the same; and
18 may, under the direction of the city authorities of
19 Gloucester, enter upon and dig up any road or other
20 way for the purpose of laying or repairing its aque-
21 ducts, pipes or other works; and in general may do
22 any other acts and things convenient and proper for
23 carrying out the purposes of this act.

1 SECT. 3. Said corporation shall, within sixty days
2 after the taking of any land or water rights under
3 the provisions of this act, otherwise than by pur-
4 chase, file in the registry of deeds for the southern
5 district of the county of Essex a description of any
6 land so taken, sufficiently accurate for identification,
7 with a statement of the purposes for which it is so
8 taken, and the title of the land so taken shall vest

9 in said corporation. Any person or corporation in-
10 jured in property by any acts of said corporation,
11 and failing to agree with said corporation as to the
12 amount of damages, may have the same assessed
13 and determined in the manner provided when land
14 is taken for highways; but no application shall be
15 made to the county commissioners for the assessment
16 of damages for the taking of water rights until the
17 water is actually taken and diverted by said corpora-
18 tion. Any person whose water rights are thus taken
19 or affected may apply as aforesaid within three years
20 from the time the water is actually withdrawn or
21 diverted, and not thereafter; and no suit for injury
22 done under this act shall be brought after three
23 years from the date of the alleged receipt of injury.

1 SECT. 4. Said corporation may distribute the
2 water through said city of Gloucester, may estab-
3 lish and fix from time to time rates for the use of
4 said water, and collect the same, and make such
5 contracts with the said city of Gloucester, or with
6 individuals, or corporations, to supply water for fire
7 or for other purposes, as may be agreed upon by said
8 city, or individuals, or corporations, and said corpo-
9 ration. The city of Gloucester, by a majority vote
10 of its city council present and voting jointly thereon,
11 is hereby authorized to contract for a supply of water
12 for fire or other purposes, for a term of years with
13 said Gloucester Water Supply Company: *provided*,
14 the contract is assented to by said city by a majority
15 vote of the voters present and voting thereon at
16 meetings called for that purpose in the several wards
17 of said city.

1 SECT. 5. The capital stock of said corporation
2 shall not exceed three hundred and fifty thousand
3 dollars and shall be divided into shares of one hun-
4 dred dollars each; and said corporation may at any
5 time issue bonds to an amount equal to the capital
6 stock actually paid in.

1 SECT. 6. If any person shall use any of said
2 water taken under this act, without the consent of
3 said corporation, or shall wantonly or maliciously
4 divert the water or any part thereof so taken, or
5 corrupt the same, or render it impure, or destroy or
6 injure any dam or aqueduct, pipe, conduit, hydrant,
7 machinery, or other works or property held, owned
8 or used by said corporation, under the authority of
9 and for the purposes of this act, he shall forfeit and
10 pay to said corporation three times the amount of
11 damages assessed therefor, to be recovered in an
12 action of tort; and on conviction of either of the
13 wanton or malicious acts aforesaid may be punished
14 by a fine not exceeding three hundred dollars, or by
15 imprisonment in jail not exceeding one year.

1 SECT. 7. The city of Gloucester shall have the
2 right, at any time during the continuance of the
3 charter hereby granted, to purchase the corporate
4 property and all the rights and privileges of said
5 company, at a price which may be mutually agreed
6 upon between said corporation and the said city of
7 Gloucester; and the said corporation is authorized
8 to make sale of the same to said city. In case said
9 corporation and said city are unable to agree, then

10 the compensation to be paid shall be determined by
11 three commissioners, to be appointed by the supreme
12 judicial court upon application of either party and
13 notice to the other, whose award, when accepted by
14 the court, shall be binding upon both parties. And
15 this authority to purchase said franchise and prop-
16 erty is granted on condition that the same is assented
17 to by said city by a two-thirds vote of the voters
18 present and voting thereon at meetings called for
19 that purpose in the several wards of said city.

1 SECT. 8. For the purposes of defraying the cost
2 of such property, lands, water and water rights as
3 shall be purchased for the purposes aforesaid, the
4 city of Gloucester through its treasurer may from
5 time to time issue notes, bonds, scrip or certificates
6 of debt, to be denominated on the face thereof
7 Gloucester Water Loan, to any amount not exceed-
8 ing the amount paid by the city for said purchase,
9 and bearing interest at a rate not exceeding six per
10 centum per annum payable semi-annually, and the
11 principal being payable at periods of not more than
12 thirty years from the issue of said notes, bonds, scrip
13 or certificates of debt, respectively.

14 Said treasurer, under the authority of the city
15 council, may sell such notes, bonds, scrip or certifi-
16 cates of debt, or any part thereof, from time to time,
17 or pledge the same for any money borrowed for the
18 purposes aforesaid, on such terms and conditions as
19 may be prescribed by the city council, or, in case the
20 city council prescribe no terms and conditions, on
21 such terms and conditions as he may deem proper ;

22 and said city shall annually raise by taxation an
23 amount sufficient together with the net income re-
24 ceived from rents for the use of said water, to pay
25 the interest on said loans as it accrues; and shall
26 establish at the time of contracting said debt a sink-
27 ing fund, and contribute thereto from year to year an
28 amount raised by taxation, not exceeding ten thou-
29 sand dollars in any one year, sufficient with its accu-
30 mulations to extinguish the debt at maturity; and
31 said sinking fund shall remain inviolate and pledged
32 to the payment of said debt and shall be used for no
33 other purpose.

1 SECT. 9. In case the city of Gloucester shall pur-
2 chase the property, rights, privileges and franchises
3 of the corporation established by this act, the said
4 city shall exercise all the rights, powers and author-
5 ity and be subject to all the restrictions, duties and
6 liabilities herein contained, in such manner and by
7 such officers, servants or agents as said city may
8 direct, and the said city shall be liable to damages
9 for land, water or water rights taken for the pur-
10 poses set forth in this act which shall not have been
11 previously paid by said corporation.

1 SECT. 10. This act shall be null and void unless
2 within three years from its passage said corporation
3 shall avail itself of its provisions, and commence a
4 prosecution of the work herein authorized.

1 SECT. 11. The owners of lands and water rights
2 taken under this act, upon application by either

3 party for an estimate of damages, may require said
4 corporation to give security, satisfactory to the board
5 of aldermen of said city, for the payment of all
6 damages and costs which may be awarded to them
7 for the land or other property taken. And if, upon
8 petition of the owner, with notice to the adverse
9 party, the security appears to the aldermen of said
10 city to have become insufficient, they shall require
11 said corporation to give further security to their sat-
12 isfaction; and all the right or authority of the cor-
13 poration to enter upon or use said land and other
14 property, except for making surveys, shall be sus-
15 pended until it gives the security required.

1 SECT. 12. This act shall take effect upon its pas-
2 sage. [*Approved March 31, 1881.*]

NUMBER 24.

[CHAP. 72.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

In addition to "An Act to Incorporate the Newburyport 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. The city of Newburyport is hereby
2 authorized to contract with the Newburyport Water
3 Company for a supply of water, for purposes other
4 than fire purposes, for a term of years.

1 SECT. 2. This act shall take effect upon its pas
2 sage. [*Approved March 8, 1881.*]

NUMBER 28.

[CHAP. 240.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

Concerning Alewife Brook and certain Sewers in Cambridge and Somerville.

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. The city of Cambridge shall construct
2 an intercepting sewer of sufficient capacity, and by
3 means thereof shall conduct the sewage of the Concord Avenue, Spruce Street, and North Avenue
4 sewers in said city, and of any sewer at any time
5 discharging into either of said sewers or into said
6 intercepting sewer, to some convenient spot upon
7 the poor farm in said city; shall there construct a
8 storage basin for the temporary deposit of such
9 sewage and by means of pumps or otherwise shall
10 raise such sewage to a sufficient height to discharge
11

12 the same by means of a connecting sewer at a con-
13 venient point in the sewer in Newbury Street, in the
14 city of Somerville ; shall construct such connecting
15 sewer and shall so discharge the said sewage for the
16 term of five years from the first day of September
17 next, the connection with the said Somerville sewer
18 to be made on or before said first day of September :
19 *provided*, that during repairs upon any Somerville
20 sewer into which the Cambridge sewage shall be so
21 discharged, pumping shall be discontinued if the
22 city engineer of Somerville shall so request of the
23 city of Cambridge ; and shall also be discontinued
24 during any sudden and violent shower, storm, or
25 unusually high tide, if reasonably necessary, but the
26 city of Cambridge may during any such discontinu-
27 ance discharge its sewage into Alewife Brook ; *pro-*
28 *vided, however*, that if this method of disposing of
29 said sewage be adjudged impracticable as hereinafter
30 provided, then the obligation imposed by this section
31 shall be void, and *provided, further*, that whenever
32 the city of Cambridge shall adopt and carry into
33 active operation any other method of disposing of
34 the sewage of its sewers above named and sewers
35 at any time discharging therein than by a discharge
36 into Alewife Brook, the obligation imposed by this
37 section shall be void.

1 SECT. 2. For the purposes named in the preced-
2 ing section, the city council of Cambridge shall have
3 the same right to take private land in Somerville as
4 it now has to take land for sewers in Cambridge,
5 and all the proceedings of such taking shall be con-

6 ducted in the same manner as though such land
7 were in Cambridge, and all persons and corporations
8 suffering damage in their property by reason of such
9 taking shall have the same rights and remedies for
10 ascertaining and recovering the amount of such
11 damage as in the case of land taken for sewers in
12 Cambridge.

1 SECT. 3. If at any time after the construction of
2 the works required by the first section hereof and
3 actual trial thereof, that method of disposing of said
4 sewage be deemed by the state board of health,
5 lunacy and charity, after such notice and hearing as
6 said board may order, impracticable without great
7 and unreasonable expense, then the obligation im-
8 posed by the first section hereof shall be void.

1 SECT. 4. After the expiration of five years from
2 the first day of September next the city of Cam-
3 bridge may at its option continue or discontinue the
4 works prescribed in the first section hereof; said
5 continuance, however, to be for a term of five years
6 and no more, except with the consent of the city of
7 Somerville, and subject to the same conditions as the
8 original term.

1 SECT. 5. So long as the city of Cambridge dis-
2 charges its sewage into the sewer of Somerville in
3 the manner herein before prescribed, it shall pay
4 annually to the city of Somerville upon the first day
5 of September, the first payment to be made on the
6 first day of September A.D. eighteen hundred and

7 eighty-two, the sum of one thousand dollars, and in
8 the same ratio for any part of a year, and during
9 the same period shall dispose of the sewage and
10 storm water of the city of Somerville emptying into
11 any sewer of Cambridge under the provisions of this
12 act, in the same manner that it disposes of its own
13 sewage and storm water in the same sewers, and
14 without any cost or charge to the city of Somerville.

1 SECT. 6. The city of Somerville for the purposes
2 of draining the following described territory situated
3 in Somerville, namely:—Commencing at a point
4 on the boundary line between Cambridge and Som-
5 erville, distant one hundred sixty-eight feet south-
6 easterly from a stone bound marking said boundary
7 line and numbered twenty-two; thence running
8 southeastwardly by said boundary line to the south-
9 easterly line of Meacham Street; thence turning
10 and running northeastwardly by said southeasterly
11 line of Meacham Street to the Middlesex Central
12 Railroad; thence continuing in the same direction
13 and crossing said railroad to a point one hundred
14 feet southwesterly from the southwesterly line of
15 Holland Street; thence turning and running north-
16 westwardly by a line parallel with said southwesterly
17 line of Holland Street and one hundred feet distant
18 therefrom to the southeasterly line of Elmwood
19 Street; thence turning and running southwestwardly
20 by said southeasterly line of Elmwood Street to a
21 point in line with the prolongation of the south-
22 westerly line of Mead Street; thence turning and
23 running northwestwardly by said southwesterly line

24 of Mead Street prolonged, crossing Elmwood Street
25 and Cameron Avenue, and by the said southwesterly
26 line of Mead Street to the northwesterly line of
27 Moore Street; thence in the same direction crossing
28 Newbury Street and Clarendon Avenue to the land
29 owned by the city of Cambridge; thence southwest-
30 wardly by said land of the city of Cambridge to the
31 point of beginning, — may connect any sewer upon
32 such territory with any sewer in Cambridge, and for
33 that purpose the city council of Somerville shall
34 have the same right to take private land in Cam-
35 bridge as it now has to take land for sewers in
36 Somerville, and all the proceedings of such taking
37 shall be conducted in the same manner as though
38 such land were in Somerville, and all persons or
39 corporations suffering damage in their property by
40 reason of such taking shall have the same rights
41 and remedies for ascertaining and recovering the
42 amount of such damage as in the case of land taken
43 for sewers in Somerville.

1 SECT. 7. Each of said cities may for the purposes
2 of this act carry its pipes and drains under any
3 street, railroad, highway or other way in such man-
4 ner as not to unnecessarily obstruct the same, and
5 may enter upon and dig up such street, railroad,
6 highway or other way for the purpose of laying,
7 maintaining and repairing any such pipes and drains,
8 and may do any other things necessary or proper in
9 executing the purposes of this act; but, whenever
10 either of said cities enters upon or digs up for such
11 purposes any road, street or way which is outside

12 its own territorial limits, it shall be subject to such
13 reasonable regulations as may be prescribed by the
14 mayor and aldermen of the city wherein such street
15 or way may be located, and shall restore said road,
16 street or way to as good order and condition as it
17 was in before such digging was commenced; shall
18 perform the work in such manner and with such
19 care as not to render any road, street or way in
20 which such pipes are laid unsafe, or unnecessarily
21 inconvenient to the public travel thereon; and shall
22 at all times indemnify and save harmless any city
23 which is liable to keep in repair any road, street or
24 way aforesaid, against all damages which may be
25 recovered against it, and shall re-imburse to it all
26 expense which it shall reasonably incur by reason
27 of any defect or want of repair in such road, street
28 or way caused by the maintenance, repair or repla-
29 cing of said pipes, or by reason of any injury to
30 persons or property caused by any defect or want of
31 repair in any such pipes: *provided*, that such city
32 has notice of any claim or suit for such damage or
33 injury, and an opportunity to assume the defence
34 thereof. Either city shall have the right to use
35 without compensation any sewer built under this
36 act within its own territorial limits.

1 SECT. 8. Whenever the city of Cambridge law-
2 fully ceases to discharge sewage into the sewer of
3 the city of Somerville in the manner prescribed by
4 the first section hereof, the city of Somerville shall
5 cease to discharge its sewers into the sewers of the
6 city of Cambridge as provided in the sixth section
7 hereof.

1 SECT. 9. No person or corporation public or pri-
2 vate shall after the first day of September next dis-
3 charge or cause to be discharged either directly or
4 indirectly into Alewife Brook any drainage, refuse
5 or polluting matter of such quality and quantity, as
6 either by itself or in connection with other matter
7 shall corrupt the waters of said brook, or tend to
8 make the brook a nuisance deleterious to public
9 health: *provided, however*, that this prohibition shall
10 not extend to the sewage from the sewers named in
11 the first section hereof, nor to sewage from lands now
12 emptying sewage into said brook, in case the method
13 therein prescribed for disposing of the same be
14 deemed impracticable as aforesaid by the state board
15 of health, lunacy and charity; but this proviso shall
16 not be construed to give to the city of Cambridge,
17 or any person or corporation, any right in addition
18 to what it has at the date of the passage of this act,
19 if any, to drain into said brook.

1 SECT. 10. Nothing herein contained shall be con-
2 strued to prevent the city of Cambridge from dis-
3 charging the storm water of its sewers, including
4 those named in the first section hereof, into said
5 brook, nor to destroy or impair prescriptive rights of
6 drainage or discharge to the extent to which they
7 lawfully exist at the date of the passage of this act;
8 and nothing in this act contained shall be construed
9 to authorize the pollution of the waters of said brook
10 in any manner now contrary to law.

1 SECT. 11. The mayor and aldermen of Cam-

2 bridge may permit any person owning lands in
3 Cambridge now draining into Alewife Brook to
4 drain such lands, or any part thereof, into either of
5 the sewers in Cambridge named in the first section
6 hereof, upon such terms and conditions as they may
7 prescribe. If, within seven days after application to
8 them, the mayor and aldermen do not grant to any
9 such person permission thus to drain, or if such
10 person be dissatisfied with the terms and conditions
11 prescribed by the mayor and aldermen, he may
12 appeal to the state board of health, lunacy and
13 charity, which board, after such notice as it may
14 order, and a hearing, shall decide whether such per-
15 son may enter either of the sewers, and what sum,
16 either in gross or at stated periods, he shall pay to
17 Cambridge therefor, and what other terms and con-
18 ditions, if any, shall be imposed upon said entry,
19 which decision shall be final and binding upon all
20 parties.

1 SECT. 12. Whenever a violation of any of the
2 provisions of this act affecting the public health or
3 the water supply of any city is committed, the state
4 board of health, lunacy and charity may, if in its
5 judgment the public health requires, order any per-
6 son or corporation public or private to cease and de-
7 sist from such violation, and to remedy the pollution
8 or to cleanse or purify the polluting substances in
9 such a manner and to such a degree that they shall
10 be no longer deleterious to the public health before
11 being cast or allowed to flow into said brook: *pro-*
12 *vided*, that before making such order the said board

13 shall assign a time and place for hearing all parties
14 interested and shall give such parties an opportunity
15 of being heard, and the order herein before provided
16 shall not be issued until after such notice and hear-
17 ing ; and *provided, also*, that upon the application of
18 any city to said board alleging the violation of any
19 of the provisions of this act and the pollution of its
20 water supply thereby, said board shall grant a hear-
21 ing upon due notification to all parties interested,
22 and upon proof of such violation shall issue the
23 order or orders already mentioned in this act.

1 SECT. 13. The supreme judicial court or any one
2 of its justices in term time or vacation shall have
3 power to issue an injunction to enforce any such
4 order.

1 SECT. 14. Every such order of the board of
2 health, lunacy and charity shall be made in writing
3 and served by any person competent to serve a
4 notice in a civil suit personally upon the person
5 found guilty of violation as aforesaid, or his author-
6 ized agent, or a copy of the order may be left at the
7 last and usual place of abode of such person or his
8 agent, if he has any such place of abode within the
9 state known to the officer. If the residence of the
10 owner or agent is unknown to the officer, or without
11 the state, the order may be served by publication in
12 one or more newspapers in such manner and for
13 such time as said board may order. Any party ag-
14 grieved by any such order shall have the right of
15 appeal to a jury and be subject to the fifty-sixth and

16 fifty-eighth sections of the twenty-sixth chapter of
17 the General Statutes, and the two hundred and sixty-
18 third chapter of the laws of the year eighteen hun-
19 dred and sixty-five. During the pendency of the
20 appeal the pollution against which the order has
21 issued shall not be continued contrary to the order,
22 and upon any violation of the same the appeal shall
23 be forthwith dismissed.

1 SECT. 15. Nothing herein before contained shall
2 be construed to exclude the jurisdiction of the su-
3 preme judicial court sitting in equity according to
4 the usual course and practice of such court.

1 SECT. 16. This act shall be void unless accepted
2 by the city council of each of said cities within thirty
3 days from the date of the passage hereof. [*Approved*
4 *May 6, 1881.*

NUMBER 32.

[CHAP. 268.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

In addition to the acts to supply the city of Worcester
with pure Water.

*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. The city of Worcester is hereby
2 authorized to take and convey into and through
3 said city the waters of Tatnuc Brook or of any res-
4 ervoir thereon, and the waters flowing into the
5 same, and to take and hold any land, and build and
6 maintain any structures, necessary for said purpose.

1 SECT. 2. The rights, powers and authority given
2 by this act shall be exercised by the city of Worces-
3 ter by the same officers as the rights, powers and
4 authority given by the one hundred and fourth chap-

5 ter of the acts of the year eighteen hundred and
6 sixty-four are exercised by, and the said city shall be
7 entitled to all the rights and subject to all the duties
8 and liabilities set forth in the three hundred and
9 sixty-first chapter of the acts of the year eighteen
10 hundred and seventy-one, to be enforced in the
11 manner provided in said chapter.

1 SECT. 3. For the purpose of defraying all costs
2 and expenses incident to the acts herein authorized,
3 including the payment for land and water rights
4 taken, the city council shall have authority to bor-
5 row, from time to time, such sums of money, and to
6 issue notes, bonds, or certificates therefor, to be
7 denominated on the face thereof "Worcester Water
8 Scrip," as they shall deem necessary, to an amount
9 not exceeding five hundred thousand dollars, upon
10 the same terms and conditions, and with the same
11 authority in regard to interest, and the sale of said
12 scrip, and the payment of the principal thereof, and
13 the appropriation and assessment of money for the
14 payment of the principal and the interest on the
15 moneys so borrowed, as are contained in the fifth
16 section of the one hundred and fourth chapter of
17 the acts of the year eighteen hundred and sixty-
18 four.

1 SECT. 4. This act shall not take effect unless
2 within six months from its passage it is accepted by
3 the city council of the city of Worcester; and upon
4 such acceptance the rights heretofore granted by the
5 legislature to the city of Worcester to take the

6 waters of Kettle Brook in the town of Leicester
7 shall thereupon cease and determine. [*Approved*
8 *May* 12, 1881.]

NUMBER 33.

[CHAP. 67.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

RESOLVE

Regarding the Sewage of the city of Worcester.

1 *Resolved*, That the state board of health, lunacy
2 and charity is hereby authorized and directed to ex-
3 amine and consider the question of the disposition of
4 the sewage of the city of Worcester, especially with
5 a view to prevent the pollution of the Blackstone
6 River and its tributaries, and report its conclusions
7 in print to the next legislature, with recommenda-
8 tions as to a definite plan for the prevention of such
9 pollution. For this purpose the board may employ
10 such assistants and incur such engineering or other
11 expenses as shall be approved by the governor and
12 council. [*Approved May 12, 1881.*]

NUMBER 34.

[CHAP. 171.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To enable the town of Peabody to improve its Water works and increase its Water supply.

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 The town of Peabody, for the pur-
2 pose of increasing the capacity and efficiency of its
3 water works, is hereby authorized to take and hold,
4 by purchase or otherwise, such lands in said town
5 as may be necessary and convenient for erecting and
6 maintaining an engine house and pumping station,
7 and a stand-pipe or high-service reservoir, and any
8 structures required in connection with said works ;
9 and on said lands may erect and maintain said works,
10 buildings and structures, and any other appliances
11 necessary and proper for said purpose, and may con-

12 nect said works and structures with each other and
13 with the aqueducts of said town, whether now or
14 hereafter laid.

1 SECT. 2. In the prosecution of said work, and for
2 the purpose aforesaid, and for the purpose of con-
3 necting the water works now owned by said town
4 or authorized by this act with the new sources of
5 water supply hereinafter mentioned, said town may
6 lay and maintain pipes or other works over or under
7 any water course, street, railroad, highway or other
8 way, or any land whatever, and in general may do
9 any other acts and things necessary and proper for
10 the carrying out of said purposes; and if for said
11 purposes said town enters upon or digs up any land,
12 street or way, it shall restore the same to as good
13 order and condition as it was in before such digging
14 commenced, and the work shall be done in such
15 manner and with such care as not to render such
16 land, street or way unsafe or unnecessarily incon-
17 venient to those entitled to use the same.

1 SECT. 3. Said town is also authorized for the
2 purposes aforesaid, and to increase its supply of
3 water, to take, hold and convey into the reservoirs,
4 aqueducts or other works now owned by said town,
5 or authorized by this act, the waters of Cedar Pond
6 in said town, and the waters of Humphrey's Pond
7 situated partly in said Peabody and partly in Lynn-
8 field, and the waters which flow into and from said
9 ponds, and any water rights connected therewith,
10 and may also take and hold, by purchase or other-

11 wise, such lands around the margins of said ponds,
12 not exceeding five rods in width, as may be neces-
13 sary for the preservation and purity of said waters,
14 and may also take and hold in like manner such
15 lands as may be necessary for maintaining dams and
16 reservoirs for the storage of said waters, and such
17 lands as may be necessary for erecting and maintain-
18 ing any works proper for the taking and distribution
19 of said waters.

1 SECT. 4. The water board of said town of Pea-
2 body shall execute, superintend and direct the per-
3 formance of all the works, matters and things men-
4 tioned in this act, unless it is otherwise provided
5 herein, or unless other officers or agents shall be
6 by vote of the town expressly chosen for said pur-
7 pose.

1 SECT. 5. Said town of Peabody, within sixty
2 days after the taking of any land as aforesaid, shall
3 file in the registry of deeds for the southern district
4 of the county of Essex a description thereof suffi-
5 ciently accurate for identification, and the title of
6 all land so taken shall vest in said town.

1 SECT. 6. Said town of Peabody shall be liable
2 to pay all damages sustained by any persons or
3 corporations by the taking of any land, water, water
4 rights, franchises or property, or by the constructing
5 of any aqueducts, reservoirs or other works for the
6 purposes aforesaid. If any person or corporation,
7 sustaining damages as aforesaid, cannot agree with

8 the town upon the amount of such damages, he may
9 have them assessed and paid in the same manner
10 as is provided by law with respect to land taken for
11 highways; but no application shall be made for the
12 assessment as aforesaid of damages for the taking
13 of any water rights or for any injury thereto until
14 the water is actually withdrawn or diverted by the
15 town; and any person or corporation whose water
16 rights are thus taken or affected may apply as afore-
17 said at any time within three years from the time
18 when the water is first actually withdrawn or di-
19 verted.

1 SECT. 7. For the purpose of defraying the cost
2 and expenses which may be incurred in any work
3 or taking of property under the provisions of sec-
4 tions one and two of this act, said town of Peabody,
5 through its treasurer, shall have authority to issue
6 from time to time promissory notes or bonds to an
7 amount not exceeding one hundred thousand dollars,
8 bearing interest at a rate not exceeding six per
9 centum per annum, the principal payable at periods
10 not more than thirty years from the issuing of said
11 notes or bonds. Said town may sell the same or
12 any part thereof, from time to time, or pledge the
13 same for money borrowed for the purpose aforesaid
14 on such terms and conditions as it may deem proper.
15 Said town is further authorized to make appropria-
16 tions and assess from time to time such amounts
17 as may be necessary to pay the interest on said loans
18 and the principal at the maturity of said notes or
19 bonds.

1 SECT. 8. In case said town of Peabody shall take
2 any waters, water rights or land, or construct aque-
3 ducts or other works in connection with said new
4 sources of supply, under the provisions of section
5 three of this act, said town is authorized, for the
6 purpose of defraying the cost and expenses occa-
7 sioned thereby, to raise sufficient money therefor
8 by taxation, or by borrowing in manner provided
9 in section seven of this act ; and also to appropriate
10 and assess such amounts as may be necessary to pay
11 the interest on any sums so borrowed, and the prin-
12 cipal when due.

1 SECT. 9. This act shall take effect upon its pas-
2 sage, and shall become void unless accepted within
3 two years by a majority vote of the legal voters of
4 the town of Peabody, present and voting at a legal
5 meeting called for that purpose ; and no more than
6 three meetings shall be called for said purpose in
7 any one year. [*Approved April 6, 1881.*]

NUMBER 35.

[CHAP. 205.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To authorize the city of Boston to attach Meters to
buildings which it supplies with Water.

*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. The city of Boston is hereby author-
2 ized, at its own expense, to attach and maintain a
3 sufficient water meter to the main service pipe in
4 any building or buildings which may be supplied
5 with water by said city under authority of law ;
6 and where any building situate within the city of
7 Boston shall be supplied with water by said city
8 through a meter, and there shall be more than one
9 tenement contained in said building, or where dif-
10 ferent rooms in the same building are leased to or
11 occupied by different persons taking water through
12 separate fixtures, the owners or lessees of said

13 building shall be liable to said city for the entire
14 amount of water so supplied to said building: *pro-*
15 *vided*, that, in the case of dwelling houses contain-
16 ing more than one tenement, and not more than
17 three tenements, it shall be necessary to obtain the
18 consent of the owner thereof before attaching such
19 meter.

1 SECT. 2. This act shall take effect upon its pas-
2 sage. [*Approved April 15, 1881.*]

NUMBER 38.

[CHAP. 185.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To amend "An Act relating to Boards of Health in the
Several Cities of the Commonwealth."

*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. Chapter one hundred and thirty-three
2 of the Acts of the year eighteen hundred and
3 seventy-seven is hereby amended by striking out
4 from the fifth section the last five words, as follows:
5 "where such connection is made," and inserting in
6 place thereof the words, "where a public sewer
7 abuts the estate to be drained."

1 SECT. 2. This act shall take effect upon its pas-
2 sage. [Approved April 6, 1881.]

NUMBER 41.

[CHAP. 130.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To amend "An Act to supply the town of Natick with
Pure Water."

*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 one of chapter seventy-six of
2 the acts of the year eighteen hundred and seventy-
3 three is hereby amended by inserting in the fifth
4 line of said section, after the word "domestic,"
5 and before the word "purposes," the words "and
6 other."

1 SECT. 2. This act shall take effect upon its pas-
2 sage. [*Approved March 24, 1881.*]

NUMBER 44.

[CHAP. 213.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To authorize the city of Salem to take certain Flats in
the North River.

*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. For the purpose of abating the nui-
2 sance in the city of Salem, in that part of the North
3 River lying in Salem above North Bridge, the said
4 city may from time to time purchase or otherwise
5 take any or all of the flats lying in the said North
6 River, between North Street and Grove Street, and
7 southerly of the Essex Railroad, and fill and raise
8 the same to such grade as may be deemed necessary
9 or expedient. Such city shall within sixty days from
10 the time it shall take for such purpose said flats, or
11 any of them, file in the office of the registry of

12 deeds for the southern district of the county of
13 Essex a description of the flats so taken, as certain
14 as is required in a common conveyance of lands, and
15 a statement that the same are taken pursuant to the
16 provisions of this act; which said description and
17 statement shall be signed by the mayor of said city,
18 and the title of all flats so taken shall vest in the
19 city of Salem in fee simple, and the same may be
20 sold and conveyed by said city in such manner as
21 the city council may determine; and if any party
22 whose flats are taken shall agree with said city upon
23 the damage done to him by the said taking, the
24 same shall be paid to him by the said city forthwith.

1 SECT. 2. Any owner of flats so taken who cannot
2 agree with the said city as to the damage done to
3 him by said taking may have the same assessed by
4 the county commissioners; and if either party is dis-
5 satisfied with the estimate of the county commission-
6 ers said party may apply for a jury to assess the
7 damages; and the proceedings thereupon and the
8 proceedings upon application to the county commis-
9 sioners shall be the same as provided for the assess-
10 ment of damages in laying out highways. The
11 respective rights and remedies of persons having
12 different or separate interests or estates in the same
13 property as to the disposition of the damages
14 awarded or agreed to under this act shall be in all
15 respects the same as they now are in the case of
16 property taken for the laying out of highways.

1 SECT. 3. If any party shall apply for and obtain
2 a trial by jury, he shall recover his legal costs after

3 such application, if he shall recover a greater
4 amount than the award of the county commission-
5 ers with the accrued interest thereon, otherwise he
6 shall be liable for the legal costs of the city of
7 Salem. If said city shall make such application and
8 the verdict of the jury shall be less than the amount
9 awarded by the county commissioners, it shall re-
10 cover its legal costs, otherwise it shall be liable for
11 the legal costs of the other party.

1 SECT. 4. No application to the county commis-
2 sioners to estimate damages for lands taken under
3 this act shall be sustained, unless made within three
4 years from the time of taking the same.

1 SECT. 5. The city council of the city of Salem is
2 hereby authorized to lay out, in the manner pro-
3 vided by the charter of said city, any street or way
4 over any of the flats referred to in this act.

1 SECT. 6. This act shall take effect on its accept-
2 ance by the city council of the city of Salem. [*Ap-*
3 *proved April 21, 1881.*]

NUMBER 46.

[CHAP. 282.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

To supply the village of Chicopee Falls in Chicopee
with pure Water.

*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. The Chicopee Falls fire district in the
2 town of Chicopee is hereby authorized to supply its
3 inhabitants with pure water to extinguish fires, and
4 for domestic and other purposes ; and may establish
5 public fountains and hydrants, and regulate their
6 use, and may fix and collect rents and make regula-
7 tions for the use of such water.

1 SECT. 2. Said district, for the purposes aforesaid,
2 may enter into contracts with any corporation or
3 person to furnish pure water by means of force

4 pumps or other machinery, and may construct reser-
5 voirs, and lay down conduits, pipes and drains under
6 or over any water course, and along any street,
7 highway or other way in said district in such manner
8 as not to obstruct the same ; and for the purpose of
9 constructing reservoirs and laying down, maintaining
10 and repairing such reservoirs, conduits, pipes and
11 drains, and for all other proper purposes of this act,
12 may dig up any such street, highway or other way ;
13 but all things done upon any street, highway or other
14 way shall be subject to the direction of the selectmen
15 of said town.

1 SECT. 3. Said district shall be liable to pay all
2 damages sustained by any person on his property by
3 any act done under the authority herein given. If
4 any person sustaining damages as aforesaid cannot
5 agree with said district upon the amount of such
6 damages, he may have the same assessed by the
7 county commissioners of the county of Hampden by
8 making a written application therefor within one
9 year after sustaining such damages ; and either party
10 aggrieved by the doings of said commissioners in the
11 estimation of said damages may have the same
12 determined by a jury ; and the said commissioners
13 and jury shall have the same power, and the pro-
14 ceedings shall in all respects be conducted in the
15 same manner, as provided in case of taking land for
16 highways.

1 SECT. 4. The rights, powers and privileges hereby
2 granted may be exercised by such officers, agents and

3 servants as such fire district shall elect or employ,
4 who shall act in accordance with the votes of said
5 fire district.

1 SECT. 5. Said district is hereby made a body cor-
2 porate so far as to accomplish the purposes of this
3 act, and to prosecute and defend in all actions relating
4 to the property and affairs of said district.

1 SECT. 6. This act shall take effect upon its ac-
2 ceptance by a two-thirds vote of the legal voters of
3 said fire district. [*Approved May 13, 1881.*]

