

AN ACT IN ADDITION TO AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

Chap. 375

Be it enacted, &c., as follows :

SECTION 1. The act passed at the present session of the legislature to apportion and assess a state tax of two million five hundred thousand dollars, is hereby so amended that the tax apportioned and assessed for the town of Upton shall be two thousand one hundred and seventy-five dollars.

State tax for Upton to be \$2,175.

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

Approved May 26, 1871.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE MUNICIPAL COURT FOR THE SOUTHERN DISTRICT OF BOSTON.

Chap. 376

Be it enacted, &c., as follows :

The annual salary of the justice of the municipal court for the southern district of Boston shall be twenty-five hundred dollars, and the annual salary of the clerk of said court shall be fifteen hundred dollars; such salaries commencing on the first day of January last.

Salaries fixed for judge and clerk.

Approved May 26, 1871.

AN ACT TO INCORPORATE THE ASHBURNHAM WATER COMPANY.

Chap. 377

Be it enacted, &c., as follows :

SECTION 1. George C. Winchester, William P. Ellis, George W. Eddy, and their associates and successors, are hereby made a corporation by the name of the Ashburnham Water Company, for the purpose of supplying the inhabitants of the town of Ashburnham with pure water; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Ashburnham Water Company to supply Ashburnham with pure water.

SECTION 2. Said corporation may take, hold and convey to, into and through the town of Ashburnham the water of any spring or springs, or of any natural pond or ponds, brook or brooks, excepting the water of any spring or springs, pond or ponds, brook or brooks drained or draining into Miller's River or any branch thereof, within said town of Ashburnham, and said corporation may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts, for conducting, discharging and distributing water, and for forming reservoirs, and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land, spring or ponds, brook or brooks, file in the office

May take water in Ashburnham except that flowing into Miller's River.

May take real estate for reservoirs.

To file in registry of deeds within sixty days, descrip-

tion of land
taken.

of the registry of deeds, in the county of Worcester, a description of the lands, spring or springs, pond or ponds, brook or brooks so taken, as certain as is required in conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation.

May build aqueducts, dams and reservoirs.

SECTION 3. Said corporation may make and build one or more permanent aqueducts from any of the sources before mentioned, into and through said town, and have and maintain the same by any works suitable therefor, may erect and maintain dams to raise and retain the waters therein, may make and maintain reservoirs within said town, may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change or discontinue the same, may distribute the water throughout the town, may regulate the use of said water and establish the prices or rent thereof; and the said corporation may for the purposes aforesaid, convey and conduct any aqueduct or other works by it to be made and constructed, over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may enter upon and dig up any such road, street, or other way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same.

May regulate use of water and establish prices.

Liability for damages.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any person in their property by the taking of any land, water or water-rights, or by constructing any aqueducts, reservoirs or other works for the purposes specified in this act. And if any person who shall sustain damage as aforesaid, cannot agree with said corporation upon the amount of said damage, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highways.

Real and personal estate.

Capital stock and shares.

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

Penalty for diverting water or maliciously rendering it impure.

SECTION 6. Any person who shall divert the water, or any part thereof, of the sources which shall be taken by said corporation pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said corporation, for the purposes of

this act, shall pay three times the amount of actual damage to the said corporation, to be recovered in an action of tort; and every such person, upon conviction of either of the acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

SECTION 7. This act shall take effect upon its passage.

Approved May 26, 1871.

AN ACT TO AMEND THE ACT INCORPORATING THE MASSACHUSETTS
AGRICULTURAL COLLEGE.

Chap. 378

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three, entitled an act to incorporate the trustees of the Massachusetts Agricultural College, is hereby amended as follows, to wit:

Amendments to
1863, 220.

Strike from the first section thereof the words, "whenever vacancies shall occur in the board of trustees, the legislature shall fill the same," and substitute therefor the words, "also from time to time to elect new members."

Strike the last sentence from the fifth section and substitute therefor the following: "the college shall furnish to the governor and council a copy of the annual report of its operations."

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

Approved May 26, 1871.

AN ACT CONCERNING THE SETTLEMENT OF PAUPERS.

Chap. 379

Be it enacted, &c., as follows:

SECTION 1. Chapter three hundred and twenty-eight of the acts of the year eighteen hundred and sixty-eight is hereby amended in the first section by adding thereto the words, "whether such other qualifications shall have been acquired before or after the enactment hereof."

Amendment to
1868, 328.

SECTION 2. Chapter three hundred and ninety-two of the acts of the year eighteen hundred and seventy is hereby amended in the third section by adding after the words civil war, "or duly assigned as a part of the quota thereof, after having been enlisted and mustered into such service."

Amendment to
1870, 392..

SECTION 3. Wherever a settlement acquired by marriage has been defeated by virtue of the provisions of the second section of chapter three hundred and ninety-two of the acts of the year eighteen hundred and seventy, the former settlement of the wife, if not defeated by the same provisions, shall be deemed to have been thereby revived.

Where settle-
ment acquired
by marriage is
defeated by 1870,
392, § 2, former
settlement of
wife revived, if
not defeated
by same pro-
visions.

SECTION 4. This act shall take effect on the first day of July next.

Approved May 26, 1871.