

commode the travel on said way, and shall leave said way in as good repair as it was before the alteration or crossing of the same.

SEC. 5. All persons who now are, or shall hereafter be owners of land adjoining said Tan Pond and stream running there-from to the mouth of Rock Harbor, may become members of said corporation, subject however to pay their proportional part of the expenses which shall have been incurred by said corporation, before the time of their admission.

Owners of land may become members.

[Approved by the Governor, April 13, 1837.]

CHAP. CLX.

An Act to incorporate the Cambridgeport Aqueduct Company.

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

SEC. 1. William Fisk, Aaron Rice and John Skinner, their associates and successors, are hereby made a corporation, by the name of the Cambridgeport Aqueduct Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SEC. 2. The capital stock of said company shall consist of three hundred shares, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share.

Capital stock.

Powers and privileges respecting the laying of pipes, &c.

SEC. 3. The said corporation is hereby authorized and empowered to lay and maintain its pipes or aqueducts from the spring or springs of water in land formerly of Jonathan Ireland, at or near Prospect Hill, in Charlestown, through the town of Charlestown and into and through the town of Cambridge, in the county of Middlesex; also such pipes or aqueducts as the said corporation may deem needful for conveying and distributing said water in Charlestown and Cambridge aforesaid; and to this end may take and hold any lands necessary for laying such aqueducts, and may purchase and hold springs of water and reservoirs and erect such buildings, and establish and maintain such machinery, as may be necessary to carry into effect the objects of this act: and if the proprietors of lands, which said corporation may take for the purpose of laying pipes or conductors of water, do not agree with said company on the price to be paid therefor, any such proprietor may have the damages assessed in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes; and the said corporation, in all cases where it does not acquire title to land for the purpose of laying and maintaining such pipes, or to a privilege or easement for that purpose, shall cause a certificate, describing the land so taken, to be signed by the president of said corporation, and recorded in the registry of deeds in said county of Middlesex.

May lay pipes under or over rail-roads, &c.

SEC. 4. The said corporation is hereby authorized and empowered to lay and maintain its pipes or aqueducts under or over any rail-road, canal, highway or street: *provided*, always, that the same be done in such manner as not to obstruct or impede the passing thereon. And the said corporation, in

laying its pipes or aqueducts, through the highways and streets of Charlestown and Cambridge aforesaid, and in repairing the same from time to time, shall not unnecessarily obstruct any highway or street, and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth to be replaced, and the pavement to be laid anew, so that every such highway or street shall be in as good condition as the same was in before such removal.

In laying pipes, &c., not to obstruct, &c.

SEC. 5. The said pipes and aqueducts shall be so laid and constructed in said Charlestown and Cambridge, that water can be drawn therefrom for the extinguishment of fires, and to be used by persons thereto authorized by said respective towns, and free access shall be had thereto for that purpose; and for that purpose each of said towns may, at its own cost, place all proper and necessary fire-plugs and fixtures upon any pipes or aqueducts of said corporation, at as many different places in the several streets and highways as the selectmen of said towns respectively shall deem needful: *provided*, that the said fire-plugs and fixtures shall not be used for the purpose of drawing water from said pipes, for any other use than the extinguishment of fires; and shall be so constructed as to prevent the water in the pipes from running to waste; and the said corporation shall not demand or receive any compensation for water taken for the extinguishment of fires as aforesaid.

How constructed.

Proviso.

SEC. 6. If any person shall wilfully and maliciously defile, corrupt, or make impure, any spring or other source of water, or reservoir, used by said corporation as aforesaid, or destroy or injure any pipe, aqueduct, machinery, or other property of said

Forfeiture for corrupting water.

corporation, such person, and all who shall aid or abet in such trespass, shall forfeit to the use of said company, for every such offence, treble the amount of damages which shall appear on the trial to have been sustained thereby; and may further be punished by a fine not exceeding one thousand dollars, or may be imprisoned for a term not exceeding one year.

Sale of privilege.

SEC. 7. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted as aforesaid, to any corporation or person, such contracts to continue for no longer term than three years: *provided*, that no compensation shall be taken for the use thereof for the extinguishment of fires as aforesaid; and the said corporation, or its directors, may make all reasonable rules and regulations, as to the manner and the times in which said water may be taken and used.

Corporation to keep records.

SEC. 8. The said corporation shall cause a true and faithful record of its proceedings, and just and accurate accounts to be kept, which record and accounts shall be subject at all times to the inspection of any committee appointed by the General Court; and all officers and agents of said corporation shall be liable to examination on oath by such committee.

[Approved by the Governor, April 13, 1837.]