

Chap. 308 AN ACT TO RELIEVE THE TOWN OF BARNSTABLE FROM PENALTIES INCURRED BY NEGLECT TO MAINTAIN A HIGH SCHOOL.

Be it enacted, &c., as follows :

Barnstable relieved from penalties for not maintaining high school.

The town of Barnstable is hereby relieved from the penalties named in section fourteen of chapter thirty-eight of the General Statutes, for having heretofore neglected to maintain such a high school as it is required to maintain by section two of said chapter: *provided*, that said town shall hereafter maintain such a high school.

Proviso.

Approved May 17, 1871.

Chap. 309 AN ACT TO INCORPORATE THE UNION AQUEDUCT COMPANY IN LANCASTER.

Be it enacted, &c., as follows :

Lancaster to be supplied with pure water.

SECTION 1. Nathaniel Thayer, Francis B. Fay, Lucius L. Farwell, their associates and successors, are hereby made a corporation by the name of the Union Aqueduct Company, for the purpose of furnishing the inhabitants of Lancaster with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations: *provided*, that the said corporation shall not interfere with any of the rights or privileges of the New Boston Aqueduct Company nor lay any water-pipes south of the road leading from George's hill, near the school-house, to Bolton.

Proviso.

Corporation may purchase water of springs, &c., and convey through the town.

SECTION 2. Said corporation may purchase, hold and convey to, into or through any of the villages of said town the water of any spring or springs, natural pond, brook or brooks in said town, and may purchase any real estate necessary for the preservation and purity of the same and for laying and maintaining said aqueduct, distributing water, forming dams and reservoirs, and may lay its water-pipes through any private lands, with the right to enter upon and dig up the same for all necessary repairs, and for the purposes aforesaid may carry its pipes under any water-course, railroad, street, highway or other way, in such manner as not to obstruct the same: *provided*, that all work done upon any public way shall be done under the direction of the selectmen of said Lancaster.

Dams, reservoirs, &c.

Work upon public ways to be done under direction of selectmen. Liability for damages.

SECTION 3. Said corporation shall be liable to pay all damages that shall be sustained by any person or corporation in their property by the laying or repairing of said water-pipes. If any person or corporation who shall suffer damage as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, deter-

mined and recovered in the same manner as is provided by law with respect to land taken for highways.

SECTION 4. The capital stock of said corporation shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each, and no liability shall be incurred by said corporation until twenty-five per cent. of its capital stock has been paid in in cash.

Capital stock and shares.

SECTION 5. Any person who shall maliciously corrupt or render impure the water or any part thereof, 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.

Penalty for rendering water impure and maliciously diverting the same.

SECTION 6. This act shall take effect upon its passage.

Approved May 17, 1871.

AN ACT IN RELATION TO THE ADOPTION OF CHILDREN.

Be it enacted, &c., as follows :

Chap. 310

SECTION 1. Any person may petition the probate court in the county of his residence for leave to adopt a child, and if the petitioner is not an inhabitant of this state, such petition may be made to the probate court in the county where the child resides; but the prayer of such petition by a person having a husband or wife, shall not be granted unless the husband or wife joins therein.

Petition for leave to adopt a child by person not inhabitant of State to be made in county where child resides. Proviso.

SECTION 2. No decree for such adoption shall be made, except as hereinafter provided, without the written consent of the surviving parent or parents of the child, of the guardian of the child, if any, and of the child if above the age of fourteen years.

Decree not to be made without written consent of parent and of child, if above fourteen.

SECTION 3. If either parent is unknown, or adjudged hopelessly insane, or imprisoned in the state prison or a house of correction under sentence for a term not less than three years, or has wilfully deserted and neglected to provide proper care and maintenance for such child for one year next preceding the date of the petition, or suffered such child to be supported by any charitable institution incorporated by law, or as a pauper by any city or town or by the state, for more than one year continuously prior to the petition, the consent of such parent shall not be required: *provided*, the visiting agent of the board of state charities shall in writing consent to such adoption.

Consent of parent not required in certain cases, if visiting agent of board consents to adoption.