

within the Commonwealth, and the directors of public institutions in the city of Boston, to make periodical returns to the board of state charities or its secretary, relative to prisoners in their charge or under their control, are hereby repealed; and reports from the several county and city prisons shall hereafter be made to the commissioners of prisons in accordance with the provisions of chapter two hundred and sixty-four of the acts of the year one thousand eight hundred and seventy-four. That the reports and returns made in pursuance of said chapter may be properly compiled for presentation to the legislature, the commissioners of prisons are hereby authorized to expend not exceeding one hundred and fifty dollars for blanks, and not exceeding seven hundred dollars annually for clerical assistance.

Repeal.

Returns to
board of state
charities.

SECTION 2. All acts and parts of acts requiring the secretary of the board of state charities to furnish blanks for periodical returns from the jails, houses of correction and the house of industry are hereby repealed; but the warden of the state prison and the master of the state workhouse shall continue to make such returns and reports as may be required by the board of state charities. And said board and its secretary shall have free access to the returns made to the commissioners of prisons from the county and city prisons.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 121

AN ACT TO INCORPORATE THE ATHOL WATER COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Robert Wiley, Adin H. Smith, Solon L. Wiley and Charles Field, their associates and successors, are hereby made a corporation by the name of the Athol Water Company, for the purpose of furnishing the inhabitants of Athol with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Powers and
duties.

May take and
convey water in
town of Athol.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of Thousand-Acre Meadow Brook, Wellington Brook, Cut-Throat Brook and Powers or Bates Brook, in the towns of Phillipston and Petersham, and may convey the same through said towns into and through the town of Athol or any part thereof; and may

take and hold, by purchase or otherwise, such land on and around the margin of said brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate-houses, and for laying down and maintaining conduits, pipes and drains, and constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the registry of deeds in the county of Worcester a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

May take and hold land.

To file in registry of deeds a description of the land taken.

SECTION 3. Said corporation may construct one or more permanent aqueducts, from any of the sources before mentioned, into and through said town of Athol, 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; 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 and discontinue the same; may distribute the water throughout the town of Athol; may regulate the use and establish the price or rent therefor; may for the purposes aforesaid convey and conduct its conduits, pipes and drains 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 for such purposes enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town in which the same is done.

May construct aqueducts.

May establish water-rates.

SECTION 4. Any person or corporation injured in property under this act and failing to agree with said corporation as to the amount of damages may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken or diverted by said corporation. Any person whose water-rights are thus taken may so apply at any time within three

Assessment of damages.

years from the time when the water is actually taken or diverted.

Real estate.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding in value thirty thousand dollars, and its capital stock shall not exceed eighty thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting water or rendering it impure.

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

May purchase aqueduct now in use.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Athol, his or their whole water-right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

SECTION 8. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 122

AN ACT TO SUPPLY THE TOWN OF HOPKINTON WITH WATER.

Be it enacted, &c., as follows:

Hopkinton may supply itself with water.

SECTION 1. The town of Hopkinton is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water and convey it through the town.

SECTION 2. Said town for the purposes aforesaid may take and hold the water, or so much thereof as may be necessary, of any springs, natural ponds or brooks within the limits of said town; and may convey said waters or