

## Chap. 76.

An Act to incorporate the Spot Pond 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 :*

SECT. 1. James C. Odiorne, George Odiorne, Jr., Isaac Warren, their associates and successors, are hereby made a corporation, by the name of "The Spot Pond Aqueduct Company," with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter of the Revised Statutes.

Capital stock,  
\$500,000.

SECT. 2. The capital stock of said company shall be five hundred thousand dollars, to be increased to one million dollars, if found to be necessary ; the same to be divided into shares of one hundred dollars each ; and the stockholders shall be individually liable for all debts of the corporation.

May hold real  
estate not ex-  
ceeding  
\$200,000.

SECT. 3. The said corporation may purchase, take and hold, in fee simple, or for any less estate, any lands necessary for the objects of this act, and for the convenient management of the concerns of said company, not exceeding in value the sum of two hundred thousand dollars, and may purchase Spot Pond, so called, in Stoneham, for the purpose of conducting water therefrom into the city of Boston ; and to this end may take and hold any lands necessary for laying aqueducts, forming reservoirs, and any flats flowed by tide-waters, which may be required to carry the objects of this act into effect ; and if the proprietors of such lands as the corporation may take, for the purpose of laying pipes or aqueducts, and constructing reservoirs, do not agree with said company on the price to be paid therefor, any such proprietor may have the damages assessed in the same manner as is 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 any land by voluntary conveyance, shall cause a certificate, describing the land so taken, to be signed by the president of said company, and recorded in the registry of deeds in the county in which the land lies.

Powers of the  
corporation.

Same.

SECT. 4. The said corporation is hereby authorized and empowered to lay 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 said corporation may lay its pipes or aqueducts across Mystic and Charles rivers, by tunnel or otherwise, *provided* that said pipes and aqueducts be so laid in said rivers as not to rise above the bed of the channel of said rivers. Said corporation may also carry its pipes or aqueducts to South Boston, *provided,* as above, that said pipes or aqueducts be so laid as not to rise above the bed of the channel.

SECT. 5. The said corporation, in laying its pipes,

aqueducts, or other apparatus, through the highways and streets of the town of Charlestown and in the city of Boston, and in repairing such pipes or aqueducts, from time to time, shall not unnecessarily obstruct such highways and streets; and in every case of the removal of any earth or pavement, in any such highway or street, the said corporation, at its own expense, shall cause the earth to be replaced and the pavement to be laid anew, so that such highway or street shall be in as good condition as the same were in before such removal. The breaking up of the pavement, or any part of the streets of the city of Boston, and the times at which the same shall be done, shall be under the direction of the mayor and aldermen, or such person as they shall appoint.

Not to occasion needless obstructions, &c.

SECT. 6. In the laying and construction of the pipes or aqueducts which may be laid in the town of Charlestown, and in the city of Boston, the same shall be so laid and constructed, that water can be drawn therefrom for the extinguishment of fires, and used by the persons thereto authorized by the town of Charlestown, and by the city of Boston respectively, and free access to the water in such pipes and aqueducts shall be had whenever the same shall be laid within the town of Charlestown and within the city of Boston; and the said town and city shall have the right, at their own cost respectively, to place fire-plugs and all proper and necessary fixtures therefor upon any pipes or aqueducts of said corporation, and at as many different places, in the several highways and streets, as the selectmen of the said town, and the mayor and aldermen of the said city shall deem needful for the purpose of drawing water for the extinguishment of any fires which may happen in said town or city; *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 for 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 nor receive any compensation for water taken for the extinguishment of fires as aforesaid. The city of Boston shall also have the right, on such reasonable terms as shall be agreed upon, to draw water from said aqueduct for the use of the public buildings and establishments, and for ornamental purposes.

To be arranged for use in case of fire, with plugs, &c.

SECT. 7. If any person shall wilfully and maliciously defile, corrupt, or make impure the pond or reservoirs used by said corporation as aforesaid, or destroy or injure any dam, pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet in such trespass, shall forfeit to the use of said corporation, for every such offence, treble the amount of damages which shall appear, on the trial, to have been sustained thereby,

Penalty for corrupting the pond, reservoirs, &c.

and may further be punished by a fine not exceeding one thousand dollars, or may be imprisoned for a term not exceeding one year.

Corporation may sell the right of using the water :

SECT. 8. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted from the said Spot Pond to any corporation, person or persons; *provided* that no compensation shall be taken for the use thereof for the extinguishment of fires as aforesaid.

—to have the exclusive right of using the waters of the pond.

SECT. 9. Whenever said corporation shall have purchased Spot Pond, and shall have purchased or taken any lands, which it may deem necessary and proper for carrying the purposes of this act into effect, no other corporation, person or persons, shall enter upon such pond or lands, for the purpose of drawing the waters from said pond, for any purpose whatever; but such waters shall be and remain to and for the use of said corporation. And said corporation shall furnish for the city of Boston all the water which the capacity of said pond shall be able to furnish, excepting so much as may be distributed in Charlestown, and the same shall be conveyed to the city in one or more iron pipes, each not less than twenty inches in diameter.

City of Boston may take one third of the stock.

SECT. 10. The city of Boston shall have a right to subscribe, in common with others, for one third part of the shares in said corporation, or any less proportion thereof. And the said city may, at any time, purchase of the said corporation their franchise, and all their personal and real property, by paying to said corporation the cost and charges for the construction of said aqueduct, and the source thereof, together with ten per cent. thereon, with six per cent. interest, first deducting from said interest any amount received by said corporation for the use of the water of said aqueduct, or the sources thereof. And from and after the execution and delivery of the conveyance and transfer aforesaid, the said city of Boston shall have all the right, and be subject to all the duties in this act expressed, as to said corporation.

Reservoirs.

SECT. 11. The said corporation shall construct one or more reservoirs, within two miles of said city of Boston, at an elevation of not less than one hundred feet above high tide, which together shall contain not less than five hundred thousand gallons of water.

Time within which work must be completed.

SECT. 12. Said aqueduct shall be completed to Boston within three years; and one mile, at least, of iron pipes, of the diameter of twenty inches, shall be laid within one year and a half after the passage of this act.

Annual report.

SECT. 13. The said corporation shall make a report annually to the Legislature, of the amount of its receipts and expenditures.

Legislature reserves the right of regulating price of water—

SECT. 14. Nothing herein before provided shall be construed to restrain the Legislature from hereafter regulating the prices of the water to the inhabitants of said city of

Boston and town of Charlestown, if the Legislature shall judge fit. Nor shall any thing before expressed in this act be construed to prevent the Legislature from granting any act of incorporation to any other company or corporation, now or hereafter to be established, to convey water into the city of Boston from other sources. [*Approved by the Governor, March 24, 1843.*]

—and of incorporating other aqueduct corporations.

An Act relating to Divorce.

Chap. 77.

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

SECT. 1. The justices of the supreme judicial court shall have power to grant divorces for the causes now allowed by law, whether those causes occurred in this Commonwealth or elsewhere, if the libellant shall have resided in this Commonwealth for five successive years next preceding the time of filing the libel therefor: *provided, however,* that in all cases where it shall be made to appear to the court, upon the hearing of any libel, that the libellant has removed into this State from any other state or country, for the purpose of procuring a divorce under the laws of this Commonwealth, the libel shall thereupon be dismissed by the court, with costs against the libellant.

Justices of S. J. C. to grant divorces.

Proviso.

SECT. 2. All provisions of law inconsistent with this act are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Repeal of former provisions.

An Act to incorporate the American Hosiery Company.

Chap. 78.

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

SECT. 1. Joel Woodbury, Horatio G. Somerby and Jonas W. Thaxter, their associates and successors, are hereby made a manufacturing corporation, by the name of the American Hosiery Company, for the purpose of manufacturing hosiery of all descriptions in the town of Watertown, in the county of Middlesex; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred and fifty thousand dollars.

SECT. 3. The stockholders in the company hereby created, shall be held liable in their individual capacity for all the debts and liabilities of the said corporation. [*Approved by the Governor, March 24, 1843.*]