

eral laws : and *provided*, that if said corporation shall locate and construct any part of its road within the town of Hudson, the Massachusetts Central Railroad Company may enter with its road upon, and unite with and use the same, and run their locomotives and cars thereon, upon such terms as may be mutually agreed upon by said companies ; or, in case of a failure to agree, upon such terms as may be prescribed by the board of railroad commissioners, whose duty it is hereby made to determine the same in case of such failure to agree.

Proviso.

SECTION 3. Said corporation may sell or lease its road, franchise and other property to the Massachusetts Central Railroad Company, and said last named company may purchase or hire the same, and under such purchase shall enjoy and succeed to all the rights, powers and privileges, and be subject to all the duties and liabilities of said corporation.

May sell or lease to Massachusetts Central Railroad Company.

SECTION 4. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, the number of which shall be determined from time to time by its directors.

Capital stock and shares.

SECTION 5. This act shall take effect upon its passage, and shall be void unless said railroad shall be located within two years, and constructed within four years from the passage hereof.

To be located within two years and constructed within four years.

Approved April 30, 1870.

AN ACT REPEALING CERTAIN PROVISIONS RESPECTING ALIEN PASSENGERS, AND RE-ENACTING OTHERS.

Chap. 215

Be it enacted, &c., as follows :

SECTION 1. Chapter one hundred and sixty of the acts of eighteen hundred and sixty-five is hereby repealed, and sections sixteen, seventeen and eighteen of chapter seventy-one of the General Statutes are hereby reënacted.

Re-enactment of G. S. 71, §§ 16, 17, 18.

SECTION 2. This act shall take effect upon the first day of May, in the year one thousand eight hundred and seventy.

Approved May 5, 1870.

AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER."

Chap. 216

Be it enacted, &c., as follows :

SECTION 1. The city of Charlestown is hereby authorized to locate and lay a second line of force and supply mains or aqueducts from the engine house of the Charlestown water works in Somerville, to the city of Charlestown, and to enlarge its present engine house, or make such additions thereto as may hereafter in the opinion of said city become necessary, and to take and to hold by purchase or otherwise, any land, real estate, or water rights, necessary for erecting, laying and maintaining the same. And for the purposes afore-

Charlestown may lay additional line of mains from water works in Somerville.

said, said city may carry and conduct any aqueduct or other works by it to be made and constructed, over or under any water course or any street, turnpike, road, highway or other way, in such manner as not to obstruct or impede travel thereon, or the free flow of water therein, and may enter upon and dig up any such land, street or way as may be necessary for the purpose of laying down such aqueducts or other works, and for maintaining or repairing the same.

Mystic Water Board to govern by rights, &c., named in 1861, 165, § 3.

SECTION 2. The Mystic Water Board of said city shall have, exercise, and are hereby vested with, all the rights, privileges and authority, and be subject to all the provisions and restrictions as the commissioners named in section three of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one.

Liability of city of Charlestown for damages.

SECTION 3. The said city shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water, or water rights, or by the constructing of any aqueducts or other works for the purposes of this act; and any owner or party who shall sustain damages by the doings of said city under this act, shall have the like remedy, and like proceedings shall be had, whether by the party sustaining damages as aforesaid, or by the said city of Charlestown, as is provided in said chapter one hundred and five of the acts of the year eighteen hundred and sixty-one.

"Water Bonds of the City of Charlestown," not exceeding \$300,000, may be issued to defray expenses.

SECTION 4. For the purpose of defraying the costs and expenses incurred by said city in the extension of the water works, the city council of said city of Charlestown is hereby authorized to issue from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of Charlestown," to an amount not exceeding three hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten nor more than thirty years from and after the issue thereof. And said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as said city council shall judge proper.

Hydrants to be erected along the line of new aqueduct.

SECTION 5. The said city of Charlestown shall erect proper hydrants in number equal to one for every five hundred feet of such new aqueduct, and in any event to the number of twenty in the town of Somerville, along the line of said new aqueduct or elsewhere in the pipes connecting therewith, as the water committee of the town of Somerville

and the selectmen of the town of Medford shall direct; and said towns of Somerville and Medford shall at all times maintain said hydrants, and draw water therefrom, without charge therefor, for the extinguishment of fires, under such regulations as the city of Charlestown may from time to time establish under authority of this act. And for this purpose there shall be allowed to said town of Somerville by the said city of Charlestown, in the settlement for water for hydrants under the contract now existing between said city of Charlestown and town of Somerville, the sum of twenty-eight dollars for each hydrant thus erected in said town.

SECTION 6. The provisions of section twelve of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and any by-laws or ordinances passed by said city in pursuance thereof, are hereby extended and made applicable to any and all the additional works constructed under the provisions of this act.

Provisions of 1861, 105, § 12, and by-laws, &c., made applicable to the additional works.

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

Approved May 5, 1870.

AN ACT CONCERNING CHOSSES IN ACTION SOLD OR ASSIGNED BY BANKS WHOSE CHARTERS HAVE EXPIRED.

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. Suits upon chosses in action arising out of contract, sold or assigned by any bank heretofore existing in this Commonwealth, but whose charter has now expired, may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale and of purchase by the plaintiff shall be set forth in the writ or other process, and the defendant may avail himself of any matter of defence of which he might have availed himself in a suit upon the claim by such bank had its charter not expired.

Purchaser may bring suit upon chosse in action arising out of contract sold by bank whose charter has expired.

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

Approved May 6, 1870.

AN ACT IN RELATION TO SEALING WEIGHTS AND MEASURES.

Chap. 218

Be it enacted, &c., as follows:

SECTION 1. All persons using scales, weights, measures or milk-cans, for the purpose of selling any goods, wares, merchandise or other commodities, shall have them adjusted, sealed and recorded by the sealer of weights and measures in the city or town in which they reside or have their usual place of business, and shall thereafter be responsible for the correctness and exactness of the same: *provided, however*, that they shall have the right to have such scales, weights, measures and milk-cans tested and adjusted at the office of

Scales, weights, measures and milk-cans to be adjusted by sealer.

Person using to be responsible for correctness. *Proviso.*