

shall be conducted in conformity to the laws applicable to the laying out of town ways in said town, and highways in said city.

*Approved April 11, 1876.*

**Chap. 137** AN ACT TO PREVENT THE RECURRENCE AND SPREAD OF SPANISH FEVER, OR TEXAS CATTLE DISEASE, IN THIS STATE.

*Be it enacted, &c., as follows:*

Texas cattle not to be brought into State between May 15th and November 1st.

SECTION 1. Any person, company or corporation which shall drive or transport into this Commonwealth any Texas or Cherokee cattle between the fifteenth day of May and the first day of November of any year, shall be punished for such offence by a fine of not less than twenty, nor more than one hundred dollars, for each animal so transported or driven: *provided*, that if the person, company or corporation so driving or transporting such cattle, shall prove that the same have been kept in some place north of the Ohio or Missouri rivers from the first day of December to the first day of May next preceding such driving or transportation, then such person, company or corporation shall not be liable to the above penalty.

Proviso.

To be deemed Texas cattle when so known by dealers.

SECTION 2. For the purposes of this act, the term Texas or Cherokee cattle shall be construed to mean the native born and bred cattle of the states of Texas and Louisiana or that class or variety of cattle known and designated by that name, by traders and dealers in cattle.

Commissioners to enforce provisions of this act.

SECTION 3. It shall be the duty of the board of cattle commissioners to carry out and enforce the provisions of this act, and they are hereby authorized to make all necessary regulations therefor.

*Approved April 11, 1876.*

**Chap. 138** AN ACT TO INCORPORATE THE DEDHAM WATER COMPANY.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Edward S. Rand, Jr., Waldo Colburn, Winslow Warren, Erastus Worthington, Royal O. Storrs, William Bullard, Ira Cleveland, Edward Stimson, Thomas Sherwin, Thomas L. Wakefield, J. P. Maynard, L. H. Kingsbury, F. D. Ely, John R. Bullard and Charles C. Loring, their associates and successors, are made a corporation, by the name of the Dedham Water Company, for the purpose of furnishing the inhabitants of Dedham 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.

Name and purpose.

SECTION 2. Said corporation, for the purposes aforesaid, may take, hold and convey through said town of Dedham, or any part thereof, the waters of Charles River, Buckmaster Pond, or any other natural pond or ponds, spring or springs, brook or brooks, within said town of Dedham; and may take and hold, by purchase or otherwise, any real or personal estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs, and may take and hold land in or around such river, ponds, springs or brooks, and around any storage or distributing reservoir as may be necessary (not exceeding five rods in width) to protect the same and secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for erecting any building for machinery to raise water or force it through the town or any part thereof; for constructing any reservoir; for erecting any dam or embankment, and for laying down and maintaining conduits and pipes, and constructing drains, aqueducts, hydrants and other works for collecting, conducting and distributing water among the inhabitants.

May take water from Charles River and Buckmaster Pond.

May take land for buildings and reservoirs.

Said corporation shall, within ninety days after taking such land, file in the registry of deeds, in the county of Norfolk, a description of the land so taken, sufficiently accurate for identification, together with a statement of the purpose for which said lands are taken, signed by the president of said corporation.

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

SECTION 3. In case said corporation shall take the waters of Charles River under this act, they shall be limited to an amount of water not exceeding one million and a half gallons daily, and it shall be the duty of said corporation to provide some reliable means or method of measuring and registering the amount of water taken from Charles River, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river and said corporation shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed, upon the application of either party, by any justice of the supreme judicial court; and the said corporation may, by a vote thereof, declare the quantity proposed to be taken from Charles River, not exceeding one and a half million of gallons daily, such vote to be passed not less than six

Water taken from Charles River not to exceed one and a half million of gallons daily.

Water to be measured.

months before the waters shall be withdrawn from said river. And a copy of such vote being filed in the registry of deeds for Norfolk County within sixty days thereafter, the terms thereof shall be held to be the measure and limit of the right of said corporation to take or divert the waters of said river, under this act.

May construct aqueducts and maintain reservoirs.

SECTION 4. Said corporation may construct one or more permanent aqueducts from any of the sources before mentioned, into and through said town, 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 within said town; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purpose for which they may be used, and may change and discontinue the same; may distribute the water throughout the town; 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 hinderance 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 of Dedham.

Assessment of damages.

SECTION 5. 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 the same assessed and determined in the same manner as is provided in sections three, four and five of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two; but no assessment for damages shall be made for the taking of any water rights, or for any injury thereto until the water is actually withdrawn or diverted.

Capital stock and shares.

SECTION 6. The capital stock of said corporation shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and said corporation may, at any time, issue bonds to an amount equal to the capital stock actually paid in.

Corporations may hold stock.

SECTION 7. Manufacturing and other corporations doing business in said town of Dedham are authorized to subscribe for and hold stock of the Dedham Water Company.

SECTION 8. 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 damage 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.

Penalty for diverting water or rendering the same impure.

SECTION 9. The town of Dedham may take and hold twenty-five per centum of the capital stock of this corporation, and have its proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do by a two-thirds vote of the voters present and voting thereon at any legal meeting called for that purpose.

Town may hold twenty-five per cent. of capital stock.

SECTION 10. The town of Dedham shall have the right at any time, during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or at such a price as may be mutually agreed upon between said corporation and the said town of Dedham; and the said corporation is authorized to make sale of the same, and this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at any annual meeting, or at a legal meeting called for that purpose.

May purchase corporate property at cost, or at price agreed upon.

SECTION 11. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Dedham, through its treasurer, may, from time to time, issue notes, scrip, or certificates of debt, to be denominated on the face thereof, "Dedham Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, scrip or certificates of debt, respectively. Said treasurer,

Town may issue water scrip not exceeding \$200,000.



under the authority of the town, may sell such notes, scrip or certificates, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations, and assess, from time to time, amounts not exceeding in one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as above, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

Powers and duties in case property is purchased.

SECTION 12. In case the town of Dedham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants or agents, as the town may direct. And the town shall be liable to pay all damages for land, water or water-rights, taken for the purposes set forth in this act, which shall not have been previously paid by said corporation.

SECTION 13. This act shall take effect upon its passage.

*Approved April 11, 1876.*

*Chap. 139* AN ACT IN RELATION TO RESERVOIRS AND LANDS CONNECTED WITH THE WATER SUPPLY OF CITIES AND TOWNS.

*Be it enacted, &c., as follows:*

Use of drive-ways, etc., appurtenant to reservoirs, may be regulated.

SECTION 1. Any city or town may regulate by suitable ordinances or by-laws, to be made in the manner now provided by law, with penalties not exceeding fifty dollars for each violation thereof, the use of reservoirs and land and drive-ways appurtenant thereto, forming a part of its system of water supply within its limits.

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

*Approved April 12, 1876.*

*Chap. 140* AN ACT TO AUTHORIZE THE TOWN OF GREENFIELD TO RAISE MONEY TO REIMBURSE THE COMMONWEALTH FOR LAND TAKEN FOR A RAILROAD IN GREENFIELD.

*Be it enacted, &c., as follows:*

May raise money to reimburse state for land taken for railroad.

SECTION 1. The town of Greenfield is authorized to raise by taxation and to appropriate money, for the purpose of reimbursing the expenses to the Commonwealth for land taken, or that may be taken, for a roadway by the location of the Troy and Greenfield Railroad within