

maintained, under the provisions of the forty-eighth chapter of the General Statutes, except as hereinafter provided.

SECTION 2. The said selectmen, for the purpose of sewerage, may divert the water of either of the brooks having an outlet in Muddy River, within said town, or any portion thereof, from their present course, at any convenient point within said town, and conduct the same into any main drain or common sewer of said town, as now existing, or hereafter to be constructed, or may provide a new channel, culvert or outlet therefor to tide-water.

Selectmen may divert water of certain brooks, or construct other channel to tide-water.

SECTION 3. When any lands or real estate shall be taken, or water diverted, by virtue of this act, the proceedings shall be the same in all respects, as in the laying out of town ways: and all persons or corporations, suffering damage in their property by reason of the laying, making or maintaining of any main drain or common sewer, or by the diverting of any water, as aforesaid, shall have the same rights and remedies for the ascertainment and recovery of the amount of such damages, as in the case of the laying out of town ways.

Proceedings in case of land taken or diversion of water.

Rights for damages same as for town ways.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1867.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE TRUSTEES OF THE TUFTS COLLEGE."

Chap. 72.

Be it enacted, &c., as follows:

SECTION 1. The trustees of the Tufts College, incorporated April twenty-first, in the year one thousand eight hundred and fifty-two, shall be hereafter known and called by the name of the Trustees of Tufts College.

Title of corporation amended.

SECTION 2. The act to incorporate the Trustees of the Tufts College, is hereby amended by striking out of the second section thereof the words "except medical degrees."

May confer medical degrees.

SECTION 3. Said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise or otherwise, for the further endowment of said college, any lands, tenements, or other estate, real or personal: *provided*, that the entire clear annual income of all the property of said corporation shall not exceed one hundred thousand dollars.

May hold property for further endowment.

Proviso: limitation of income.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1867.

AN ACT GRANTING ADDITIONAL POWERS TO THE HAVERHILL AQUEDUCT COMPANY.

Chap. 73.

Be it enacted, &c., as follows:

SECTION 1. The Haverhill Aqueduct Company is hereby authorized to take and use the waters of Round Pond and

May use waters of Round and Plug Ponds and Ken-

oza Lake, to supply town.

Plug Pond, so called, and Kenoza Lake in the town of Haverhill, to supply the inhabitants of said town with water by an aqueduct, and to enter upon, take and dig up any and all lands necessary for laying and maintaining aqueduct pipes, reservoirs, gates, dams or other works, necessary for that purpose.

Shall, upon disagreement, have damages settled as for highway.

SECTION 2. All damages sustained by entering upon and taking land, water or water rights for either or any of the above purposes, shall, in case of disagreement with the parties injured, be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways.

May hold estate.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

Town may purchase franchise and property of company.

SECTION 4. The town of Haverhill may at any time hereafter purchase or otherwise take all the franchise, rights and property of said Haverhill Aqueduct Company, at such price as may be agreed on by the parties; and in case the parties cannot agree upon the price, the supreme judicial court may, upon application of either party, and notice to the other, appoint three commissioners, who shall determine the price, and whose award, when accepted by the court, shall be final.

Water not to be used for machinery, except as steam; water-marks to be observed.

SECTION 5. Nothing in this act contained shall be so construed as to authorize the Haverhill Aqueduct Company to use, or authorize any other person or corporation to use, any of the water conducted through its pipes to drive machinery otherwise than by creating steam, nor to raise the water of any of said ponds above high-water mark, nor to drain any of them below low-water mark.

Approved March 16, 1867.

Chap. 74.

AN ACT TO INCORPORATE THE BRIDGEWATER AND TAUNTON RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Nahum Stetson, Isaac Pratt, junior, Joseph A. Hyde, Caleb Hobart, George W. Bassett, Joshua E. Crane, their associates and successors, are hereby made a corporation by the name of the Bridgewater and Taunton Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws, which now are or hereafter may be in force relating to railroad corporations.

Privileges and restrictions.

May construct road from point in Bridgewater via Raynham, across Taunton River to point on

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad commencing at such convenient point as it may select, in the town of Bridgewater, thence to the town of Raynham, and through said last named town,