

the acts of the year eighteen hundred and sixty-nine, so far as the same are applicable.

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

Approved May 5, 1871.

Chap. 248

AN ACT TO INCORPORATE THE FOREST RIVER RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry F. Pitman, John F. Harris, Samuel Sparhawk, their associates and successors, are hereby made a corporation under the name of the Forest River Railroad Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Powers and duties.

May construct railroad from Eastern Railroad to the Marblehead branch.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks, in the city of Salem, from some convenient point on the main line of the Eastern Railroad, about three-fifths of a mile south-westerly from the bridge over the same at Castle Hill, to some convenient point on the Marblehead branch of the said Eastern Railroad northerly from its intersection with the Forest River road.

May unite with Eastern Railroad.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with and use the railroad and branch of the Eastern Railroad Company, and said last named company may enter with its railroad and branch upon, unite the same with and use the railroad of the corporation hereby created, subject to the provisions of the general laws.

May lease to Eastern Railroad.

SECTION 4. Said corporation may lease its railroad, franchise and other property to the Eastern Railroad Company, upon such terms as may be agreed by the directors of said corporations respectively.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall not be less than ten thousand dollars nor more than twenty-five thousand dollars, divided into shares of one hundred dollars each.

To be located within one year and constructed within two years.

SECTION 6. This act shall take effect upon its passage ; and shall be void unless said railroad is located within one year, and constructed within two years after its passage.

Approved May 5, 1871.

Chap. 249

AN ACT FOR SUPPLYING THE TOWN OF LEOMINSTER WITH PURE WATER.

Be it enacted, &c., as follows :

Leominster may supply inhabitants with pure water.

SECTION 1. The town of Leominster 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 fix and collect rents for the use of such water.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Chualoom pond, situated in Lunenburg and Leominster, or such natural water sources within its own limits as will give a sufficient supply of water ; and may also take and hold all necessary land for raising, holding and preserving such water, and conveying the same to any and all parts of said town ; and may erect thereon proper dams, buildings, fixtures and other structures, and make excavations and procure and run machinery therefor ; and for that purpose may construct and lay down conduits, pipes and drains under or over any water-course or railroad, and along any street, highway, or other way, in such manner as not to obstruct the same ; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other way ; but all things done upon or under any street, highway or other way, shall be subject to the direction of the selectmen of the town where situated : *provided*, that within sixty days after the time of taking any land or water sources, as aforesaid, said town shall file in the registry of deeds for the county of Worcester, a description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same is taken.

May take water from Chualoom pond.

May lay down conduits, drains, &c.

Proviso.

SECTION 3. Said town shall be liable to pay all damages sustained by any persons in their property by the taking of any land, water, water sources, or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he may have them assessed by the county commissioners for the county of Worcester, by making a written application therefor within two years after the taking of such land or water sources, or other injury done as aforesaid, under this act ; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury, and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided by law with respect to damages for land taken for highways.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of the

Leominster water bonds.

act, said town may issue bonds, signed by its treasurer, and denominated "Leominster Water Bonds," to an amount not exceeding five per centum of its valuation, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper; and may raise money by taxation to pay said bonds and interest when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year on which the same may become due, and all money raised for the purpose of paying said principal before the same is due, shall be held and invested by said town as a sinking fund for the payment of such principal.

Powers may be exercised by town agents.

SECTION 5. The rights, powers and privileges hereby granted, may be exercised by such officers, agents and servants as said town shall elect or employ, who shall act in accordance with the votes of said town.

Penalty for diverting water or corrupting the same.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, taken and used under the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by said town for the purposes of this act, shall pay three times the actual damages to said town, to be recovered by an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

When to take effect.

SECTION 7. This act shall take effect upon its passage, but nothing shall be done, nor any expenditure made or liability incurred under the same, except for preliminary surveys and estimates, unless the town within two years, at an annual meeting, by a vote of two-thirds of the legal voters present, using the check-list, and voting thereon, shall have determined to avail itself of the provisions thereof.

Approved May 5, 1871.

Chap. 250 AN ACT IN ADDITION TO AN ACT RELATING TO WEST BOSTON AND CRAGIE BRIDGES.

Be it enacted, &c., as follows:

Shoal to be dredged opposite draw-way of West Boston bridge.

SECTION 1. The commissioners designated in the sixth section of chapter three hundred and two of the acts of the year eighteen hundred and seventy, are hereby authorized, for the purpose of preparing the location of a new draw in