

lands in the back bay applicable to filling and improvements, and the same is hereby appropriated.

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

Approved May 29, 1874.

Ch. 287. AN ACT TO AUTHORIZE JOHN BEATTIE, JUNIOR, TO CONSTRUCT A WHARF IN WESTPORT.

Be it enacted, &c., as follows:

May construct
wharf in West-
port.

SECTION 1. License is given to John Beattie, junior, to construct a wharf on his property in Westport, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

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

Approved May 29, 1874.

Ch. 288. AN ACT TO INCORPORATE THE FLAX POND WATER COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name and pur-
pose.

SECTION 1. Nehemiah Berry, James L. Little, Thomas H. Berry, E. R. Mudge, Benjamin J. Berry, J. Wiley Edmonds, Dean Peabody and Thomas J. Lee, their associates and successors, are made a corporation under the name of the Flax Pond Water Company, for the purpose of supplying with pure water, the city of Lynn, or any city or cities, town or towns; and for this purpose may purchase and hold the waters of Flax, Sluice and Cedar Ponds in Lynn, and may take and hold Nell's Pond in the town of Lynnfield, together with the tributary streams which flow into the same; may build and maintain dams, reservoirs, aqueducts and other suitable or necessary works, and may take and hold such lands, around the margins of said ponds and streams, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and such other lands as may be necessary for the maintenance of said dams, reservoirs, aqueducts, conduits or works.

To file in regis-
try of deeds a
description of
the land taken.

SECTION 2. Said corporation shall within ninety days after the taking of land under this act, file in the registry of deeds for the county or district where such land may be located, a description of any land so taken, sufficiently accurate for identification, and state the purpose for which it is taken, and the title to all lands so taken shall vest in said corporation. Any person injured in his property by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

SECTION 3. Said corporation may contract with cities and towns to supply the same with pure water upon such terms as may be mutually agreed upon, and for this purpose may carry its conduits, pipes and drains, under the supervision of the authorities of any city or town through which the same may pass, over or under any water-course, street, railroad, highway or other way in such manner as not to obstruct the same, and may dig up any road or way for the purpose of laying its conduits, pipes and drains in such a manner as to cause the least hindrance to travel thereon, and in general may do any other acts and things necessary, convenient or proper for the carrying out the purposes of this act.

May supply
towns and cities
with pure
water.

SECTION 4. The capital stock of said corporation shall not exceed seven hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and said corporation may purchase any lands and water rights necessary for the purpose aforesaid, and pay therefor, wholly or in part in the shares of said company at their par value, and may at any time issue bonds to an amount equal to the capital stock actually paid in. Cities and towns may hold stock in this corporation.

Capital stock
and shares.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts, any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said corporation, shall forfeit and pay to the said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts, shall be also punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty for pol-
luting or divert-
ing water.

SECTION 6. The city of Lynn may within sixty days from the passage of this act by vote of the city council take or purchase the water mentioned in section one, in addition to the sources for water supply which it is now authorized to hold and use, and in case said city shall take or purchase said waters, then it shall enjoy all the rights respecting said waters and the lands bordering thereon and adjacent thereto, and be subject to all liabilities for acts done in relation to the same, which were set forth in chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-one, as fully as though the provisions of said act were respectively incorporated herein; and any damages sustained by any person who

City of Lynn
may take or
purchase
waters, &c.,
within sixty
days.

fails to agree with said city shall be assessed in the same manner as is provided by law with respect to land taken for highways. A vote of the city council to take said waters in accordance with the provisions of this section shall be construed and deemed to be an entry upon and taking of the same by the city of Lynn; and thereupon the provisions of this act relating to the corporation aforesaid shall be null and void.

Rights to cut
ice not to be
impaired.

SECTION 7. Nothing contained in this act shall be construed to impair any existing rights of any person or party, to cut and take ice from either of said ponds.

SECTION 8. This act shall take effect upon its passage.

Approved June 2, 1874.

Ch. 289. AN ACT TO AUTHORIZE THE COMMISSIONERS FOR THE COUNTY OF FRANKLIN TO LAY OUT AND CONSTRUCT A HIGHWAY AND BRIDGE OVER CONNECTICUT RIVER, BETWEEN THE TOWNS OF GILL AND MONTAGUE, IN SAID COUNTY.

Be it enacted, &c., as follows:

Commissioners
may build
bridge over
Connecticut
River between
Gill and Mon-
tague.

To proceed as
in laying out
and construct-
ing highways.

SECTION 1. The county commissioners for the county of Franklin are authorized to lay out and construct a public highway and bridge over the Connecticut River, at or near Turner's Falls, between the towns of Gill and Montague in said county, if in their judgment the public convenience and necessity require it.

SECTION 2. Said commissioners in laying out and constructing said highway and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways: and shall, after due public notice to all parties in interest, and a hearing, proceed to determine and award what towns in said county will receive particular and special benefit from the construction and maintenance of said road and bridge, and to apportion and assess upon said county and such towns as receive special benefit as aforesaid, in such manner, and amounts as they shall deem equitable and just, the cost of the construction of said road and bridge. They shall also determine and award by what towns the said road and bridge shall be maintained, and the proportion of the expense of the maintenance of the same that shall be paid by each town. And the award and apportionment of the expense of the maintenance of said road and bridge, may at any time, and from time to time, upon the petition of any town interested, and notice and hearing, be revised and varied by the com-