

*Chap. 207* AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MARSHPEE MANUFACTURING COMPANY.

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

May use its real estate as directors may deem of service to Indians and people of color.

SECTION 1. The Marshpee Manufacturing Company is hereby authorized to use any part of the real estate which by its act of incorporation it is authorized to hold for any purposes which, in the opinion of the directors of said company, will promote industry and furnish employment among the Indians and people of color in Marshpee.

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

*Approved May 4, 1867.*

*Chap. 208* AN ACT TO INCORPORATE THE SPOT POND WATER COMPANY.

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

Corporators.

SECTION 1. Samuel E. Sewall, Daniel W. Gooch and George W. Heath, of Melrose, Elisha S. Converse, J. H. Abbott and George P. Cox, of Malden, and James O. Curtis, Charles V. Bemis and Benjamin F. Hayes, of Medford, their associates and successors, are hereby made a corporation by the name of the Spot Pond Water Company, for the purpose of supplying the inhabitants of said Melrose, Malden and Medford, with pure water; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which are now or may hereafter be in force relating to such corporations, so far as they may be applicable.

May supply water to towns of Melrose, Malden and Medford. Corporate powers and liabilities.

May convey waters of Spot Pond through Stoneham, Melrose, Malden and Medford.

SECTION 2. Said corporation may take, hold and convey through the town of Stoneham, so far as may be necessary, and to, into and through the said towns of Melrose, Malden and Medford, the waters of Spot Pond, so called, situate in the towns of Stoneham and Medford, and the waters which flow into and from the same.

Capital stock and shares.

SECTION 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said company may hold real and personal estate not exceeding in amount one hundred thousand dollars, and may also take and hold, by purchase or otherwise, such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains, and such other works as may be necessary for the purity and preservation of said waters, and for collecting, conducting and distributing the same as herein provided. But said company shall not enter upon or use, for the purpose herein specified, the land of any person, or take water from said pond, until thirty thousand dollars in cash have been paid in upon the capital stock of said corporation.

Real and personal estate.

May hold land for works.

Condition of entry upon land of person, or of taking water.

SECTION 4. Said company within sixty days after the taking of any of the land aforesaid, shall file in the registry of deeds for the county of Middlesex a description thereof, sufficiently accurate for identifying the same.

Company shall file description of land in registry of deeds.

SECTION 5. Said company may make aqueducts, from the source above mentioned, through any part of the towns aforesaid, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said towns of Melrose, Malden and Medford by laying down pipes, and may establish the rents therefor. And the said company, for the purposes aforesaid, may enter upon and dig up any road, under the direction of the selectmen of said towns respectively, in such manner as to cause the least hindrance to the travel thereon.

May make aqueducts in any part of said towns, and supply water in Melrose, Malden and Medford.

May, under selectmen, dig up roads.

SECTION 6. All claims for damages sustained by taking land, water or water-rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways, except that the complaint may be filed within three years after said taking.

Damages: claims for to be heard as in case of land for highways.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by said corporation, pursuant to the provisions of this act, or who shall corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damage to the said company, to be recovered by any proper action; and every such person, on conviction of either of the malicious acts aforesaid, may be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Penalty if person maliciously divert or corrupt water or injure property.

SECTION 8. The said towns of Melrose, Malden and Medford, or any two of them, in case the remaining town declines to participate in said purchase, may, at any time within fifteen years from the time this act takes effect, purchase the franchise of said corporation and all its corporate property by paying therefor the amount expended for the construction, maintenance and repairs of said water works, and all necessary incidental expenses, together with interest thereon, at the rate of ten per centum per annum, less the amount derived therefrom, with interest thereon at the rate aforesaid. And in case the said towns cannot agree as to the portion of said amount to be paid by each, the supreme judicial court, or any justice thereof, upon application of

Towns of Melrose, Malden and Medford, or either two, may, within 15 years, purchase property for sum of cost and 10 per cent. per annum interest.

Towns failing to agree, commissioners by S. J. court may award pay.

either town, so purchasing, shall appoint three commissioners to award the amount so to be paid by each, which award shall be final.

Towns purchasing may issue "water scrip," payable in not more than twenty years.

SECTION 9. For the purpose of defraying the cost of such franchise and corporate property as shall be purchased for the purposes aforesaid, each of the towns, so purchasing, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Spot Pond Water Scrip," to an amount not exceeding the proportion payable by each such town, bearing interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively; and such town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as such town shall deem proper. And each of such towns, so purchasing, is further authorized to make appropriations and assess from time to time, such amounts, not exceeding in any one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

May sell as shall deem proper.

May assess for payment, not to exceed \$5,000 in one year.

Towns purchasing shall have powers and duties by agents they may appoint.

SECTION 10. In case the towns of Melrose, Malden and Medford, or any two of them, shall purchase the property, rights and privileges of said company, said towns so purchasing, 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 and agents as said towns shall, respectively, from time to time, ordain appoint and direct. And said towns shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, for which said company might be legally liable; the amount payable by each town to be determined in the same manner as provided in the eighth section of this act for determining the amount payable by such town for the purchase of the franchise and corporate property therein mentioned.

Damages, liability of towns for.

Payment, how determined.

Company shall observe water marks.

SECTION 11. A commission shall not at any time draw the waters of said pond below low-water mark of said pond, nor raise them above high-water mark.

S. J. Court, on application, to appoint commission to erect monuments at points of rise and fall of water.

SECTION 12. A commission of three persons shall be appointed by the supreme judicial court, or any justice thereof, on application of said company, or of any party in interest, who shall, at the cost and expense of said company,

after public notice to the parties in interest, ascertain the points between which the waters of said pond and its outlet rise and fall, and shall erect permanent monuments showing the same, and shall make a full report of all their doings to the supreme judicial court.

SECTION 13. Nothing in this act contained shall be so construed as to prevent or interfere with the right of the town of Stoneham to take water from said Spot Pond for the use of the inhabitants of said town. And said company may furnish water to such inhabitants of said town as may desire the same, at the same rates as to the inhabitants of other towns.

Rights of Stoneham to water of pond not to be impaired.

Company may supply said town.

*Approved May 4, 1867.*

AN ACT CONCERNING RECORDS AND RETURNS FROM THE OVERSEERS OF THE POOR.

*Chap. 209*

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

SECTION 1. It shall be the duty of overseers of the poor in all the cities and towns of this Commonwealth to keep full and accurate records of the paupers fully supported, the persons relieved and partially supported, the travellers and vagrants lodged at the expense of said cities and towns, together with the amount paid for such support and relief.

Overseers shall keep full record of support, relief and lodgment of persons.

SECTION 2. Such annual returns of the number, sex, place of settlement, place and cost of support, sanity and temperance of the persons supported and relieved by towns and cities, and such other particulars concerning them as may be required by the board of state charities, shall be made by the overseers of the poor to the secretary of said board on or before the twentieth day of October in each year, and shall relate to the year ending on the thirtieth day of September preceding.

Returns to be made to secretary board charities, annually, to Sept. 30th.

SECTION 3. If the overseers of any town or city shall refuse or neglect to comply with the requirements of this act, said town or city shall forfeit the sum of one dollar for each day's neglect, and the amount of such forfeiture shall be deducted from any sum to which said town or city may be entitled in re-imbusement for relief of state paupers as provided in chapters one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, and two hundred and thirty-four of the acts of the year eighteen hundred and sixty-six; and in case no such re-imbusement shall be due to said town or city, the forfeiture shall be deducted from any money which may be due such town or city from the state.

Penalty upon town or city for failure of overseers to comply with requirements.

SECTION 4. It shall be the duty of the secretary of the board of state charities to prepare tables from the returns

Secretary board charities to make tables, etc.