

or to the use of sleds or other vehicles for coasting in and through the streets or public ways of such city or town, as they shall deem necessary for the public safety or convenience, with penalties for violation thereof, not exceeding twenty dollars for one offence.

Cities may regulate and control itinerant musicians.

SECTION 2. The mayor and aldermen of any city may adopt rules and orders not inconsistent with the laws of this Commonwealth for the regulation and control of persons who shall, after the passage of this act, frequent the streets and public places in such city, playing on hand-organs or other musical instruments, beating drums, blowing trumpets, or coasting with sleds or other vehicles, with penalties for the violation thereof, not exceeding twenty dollars for each offence.

Repeal of 1869, 301.

SECTION 3. Chapter three hundred and one of the acts of the year eighteen hundred and sixty-nine is hereby repealed.

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

Approved April 17, 1875.

Chap. 137 AN ACT TO INCREASE THE SALARY OF THE SHERIFF OF THE COUNTY OF BRISTOL.

Be it enacted, &c., as follows:

Salary fixed at \$1,500 a year.

SECTION 1. From the first day of January of the present year, the sheriff of the county of Bristol shall receive in quarterly payments, an annual salary of fifteen hundred dollars.

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

Approved April 17, 1875.

Chap. 138 AN ACT TO INCORPORATE THE WEST SPRINGFIELD AQUEDUCT COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William Birnie, Charles L. Goodhue, their associates and successors, are made a corporation under the name of the West Springfield Aqueduct Company, for the purpose of supplying the town of West Springfield with pure water, and for that purpose may take and hold the waters of any spring or springs, or any natural pond or streams within the said town of West Springfield, (except the waters of the Agawam River, which may be taken for the purpose of extinguishing fires only,) and may also take and hold the waters of Leonard's Brook, in the town of Agawam, and may build and maintain dams, reservoirs, aqueducts and other necessary or suitable

Name and purpose.

works for storing and distributing the waters so taken, and may take such lands as may be necessary therefor, and such other lands about the margin of such reservoirs, ponds and streams as may be necessary to preserve the purity of the waters thereof: *provided, however*, that no land, water or water-rights shall be taken or entered upon, except for the purpose of making surveys until all damages are satisfied, or security given to the satisfaction of the county commissioners for the payment of all damages agreed upon by the parties, or all damages and costs awarded by the county commissioners, or a jury, for the land or property taken.

Proviso.

SECTION 2. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Hampden, a description of any land so taken sufficiently accurate for identification, and state the purpose for which it is taken, and the title of all land so taken shall vest in said corporation. Any person injured in any of 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.

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

SECTION 3. Said corporation, for the purposes aforesaid, may distribute its waters throughout the town of West Springfield, and for this purpose may convey its pipes, drains and conduits over or under any water-course, street, railroad or highway or public place, in such a manner as not unnecessarily to obstruct the same, and may, under the direction of the board of selectmen, enter upon and dig up any road or way for the purpose of laying its conduits, pipes and drains, and for the purpose of setting and maintaining its hydrants in such manner as to cause the least hindrance to travel thereon, and in general may do any other acts and things necessary and proper for carrying out the provisions of this act.

May distribute water, lay conduits, pipes, etc.

SECTION 4. Said corporation may establish rates for the use of said water, and may collect the same by suit or otherwise, and it may also contract with said town of West Springfield to supply it with water for its public buildings, for fire purposes and for such other uses as said town may deem expedient, upon such terms as may be agreed upon by said town and corporation.

May establish rates for use of water.

SECTION 5. Said corporation may, for the purposes

Real and personal estate.

Capital stock and shares.

Penalty for corrupting or diverting water.

Town may take property of corporation by a two-thirds vote.

West Springfield water bonds, not exceeding \$75,000.

aforsaid, hold real and personal estate not exceeding in amount sixty thousand dollars in value, and the whole capital stock shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 6. Whoever takes without right, or whoever wilfully or maliciously corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipes or hydrants, or other property owned or used by said corporation for the purposes of this act, shall pay the said corporation three times the amount of actual damage, to be recovered by any proper action, and every such person on conviction of either of the malicious acts aforesaid may be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

SECTION 7. The town of West Springfield may, at any time, by a vote of two-thirds of the legal voters present and voting therefor at a legal meeting held for the purpose, take by purchase or otherwise, the franchise of said corporation, and all its corporate property, at such prices as may be agreed upon between the parties, and in case the parties cannot agree upon the price to be paid therefor, the supreme judicial court, or any justice thereof in term time or vacation, shall appoint three commissioners, who, after due notice given to said town and said corporation, shall determine and award what sum said town shall pay for said franchise and its corporate property, which award shall be final.

SECTION 8. For the purposes of defraying the costs of such franchise and corporate property as may be taken or purchased for the purposes aforesaid, the town of West Springfield shall have authority to issue, from time to time, notes, bonds or certificates of indebtedness, to be denominated "West Springfield Water Bonds," to an amount not exceeding seventy-five thousand dollars, bearing interest payable semi-annually, the principal to be payable within twenty years from the date of said bonds and the said town may sell such bonds at private sale or public auction, upon such terms and in such amounts as it shall deem expedient. Said town is also authorized to raise by taxation such sums as may be necessary for the payment of such part of the interest upon said bonds, and of the principal thereof as the same shall become due, as shall not be paid out of the rents and income received for the use and

sale of the water and other property taken or purchased under this act.

SECTION 9. In case the town of West Springfield shall take or purchase the property, rights and privileges of the corporation hereby established, said town shall exercise, by such officers and agents as it may appoint, all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein before contained.

Town to have powers and duties of corporation, if property is taken.

SECTION 10. No claim for damages for the taking of water under this act shall be made until the same is diverted from its natural course.

Damages.

SECTION 11. This act shall take effect upon its passage, and shall become void unless the work is completed within one year.

When to take effect.

Approved April 17, 1875.

AN ACT TO INCORPORATE THE NAHANT LAND COMPANY.

Chap. 139

Be it enacted, &c., as follows :

SECTION 1. Samuel E. Sewall, trustee under the will of Frederic Tudor, deceased, Frederic Tudor and Henry Tudor, their associates and successors, are made a corporation for the term of fifteen years, from the date of the passage of this act, by the name of the Nahant Land Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in general laws which now are or may be in force relative to such corporations and with power to purchase and hold in fee simple all or any part of the lands in Nahant, in Essex County, which were owned by Frederic Tudor, late of Boston, in Suffolk County, deceased, at the time of his death, and such contiguous lands as said corporation may purchase from time to time, not exceeding ten acres in all, in addition to the lands which were owned by said Frederic Tudor.

Corporators.

SECTION 2. The said corporation shall have power to sell, lease, mortgage and otherwise dispose of its corporate property and any parts thereof; and to improve the same, to erect dwelling-houses and other buildings thereon, to lay out streets and passage-ways through the same, and otherwise improve the same as they may think expedient.

Name and purpose. Powers and duties.

May sell or lease property, build dwelling-houses, etc.

SECTION 3. The capital stock of the said corporation shall not exceed two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

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

Approved April 17, 1875.