

ACTS  
AND  
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1879,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,  
LIST OF THE CIVIL GOVERNMENT, CHANGES  
OF NAMES OF PERSONS,  
ETC., ETC.

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PUBLISHED BY THE

SECRETARY OF THE COMMONWEALTH.

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AN ACT FOR THE BETTER PROTECTION OF THE FISHERY OF THE *Chap. 137*  
NINE MILE POND FISHING COMPANY.

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

SECTION 1. Whoever takes or catches any alewives in Centreville River, so called, in the town of Barnstable, between that part of said river where the mouth of the canal of the Nine Mile Pond Fishing Company opens into the same, and a point fifteen rods above said mouth, shall forfeit and pay a fine of not less than five, nor more than fifty dollars for each offence.

Alewife fishery  
in Barnstable.

SECTION 2. Nothing herein contained shall be construed to authorize the taking of alewives by any person between said mouth of said canal and tide water.

Alewives not to  
be taken be-  
tween mouth of  
canal and tide  
water.

SECTION 3. This act shall take effect upon its passage.

*Approved March 21, 1879*

AN ACT TO AMEND THE CHARTER OF THE CITY OF LOWELL. *Chap. 138*

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

SECTION 1. Section twenty-six of chapter one hundred and seventy-three of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out the words "owners thereof," in the twelfth and thirteenth lines and inserting in place thereof the words "abutters thereon."

City charter.

SECTION 2. Section twenty-seven of said chapter is hereby amended by inserting the words "the city," between the words "and" and "shall" in the sixth line.

Amendment to  
1876, 173, § 26.

Amendment to  
1874, 173, § 27.

SECTION 3. This act shall take effect upon its passage.

*Approved March 21, 1879.*

AN ACT TO INCORPORATE THE HINGHAM WATER COMPANY. *Chap. 139*

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

SECTION 1. John D. Long, Samuel Downer, Charles B. Barnes, E. Waters Burr, David Cushing, Junior, William J. Nelson, George P. Hayward, Ebed L. Ripley, Starkes Whiton, Elijah Shute, Edmund Hersey and George Cushing, their associates and successors, are hereby made a corporation by the name of the Hingham Water Company, for the purpose of furnishing the inhabitants of Hingham with pure water for the extinguishment of fires, generation of steam, domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as the same may be applicable to this corporation.

Corporators.

Name and pur-  
pose.

May take waters  
of Accord Pond.

May take and  
hold real estate.

May enter upon  
and dig up  
roads under  
direction of  
selectmen.

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

Assessment of  
damages.

Application to  
be made for  
damages, within  
three years.

**SECTION 2.** Said corporation, for the purposes aforesaid, may take, hold and convey into and through the town of Hingham, or any part thereof, the waters of Accord Pond, so called, situate in the towns of Hingham, South Scituate and Rockland, and the waters which flow into and from the same, together with any water rights connected therewith; and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the said waters, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and for the purpose of making all needed repairs or service connections may lay its water pipes through any private lands, with the right to enter upon the same and dig therein, and for any of the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such 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 other way, in such manner as least to obstruct the same, for the purpose of laying or repairing its aqueducts, pipes, or other works, and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

**SECTION 3.** Said corporation shall, within ninety days after the taking of any land under this act, otherwise than by purchase, file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the president of the corporation; and the title of the land so taken shall vest in the said corporation.

**SECTION 4.** Any person or corporation injured in property by any of the acts of said corporation under this act, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways, but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter, and no suit for injury to person shall be brought after two years from the alleged date of the receipt of injury.

SECTION 5. If any person shall use any of said water taken under this act without the consent of said corporation, or shall divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of, and used for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering it impure.

SECTION 6. Said corporation may distribute the water through said Hingham; may establish and fix from time to time rates for the use of said water and collect the same: and may make such contracts with the town of Hingham, or with individuals or corporations, to supply water for fire, or other purposes, as may be agreed upon by said town, individuals or corporation and said corporation.

May distribute water through town of Hingham.

SECTION 7. The said Hingham Water Company, for the purpose of supplying that part of the town of Hull called Nantasket and Nantasket Beach with pure water for domestic, fire and other purposes, is hereby authorized to extend its water pipes or conduits to the said Nantasket and Nantasket Beach and shall have the same rights and powers in and for these said localities that are granted it by the other sections of this act in and for the town of Hingham, whenever the said town of Hull shall, by a majority of the voters present and voting thereon at a town meeting duly called for the purpose, accept the provisions of this act so far as applicable to them: *provided*, that whenever for any reason the supply of water shall not be more than sufficient for the needs of the residents of the town of Hingham, the residents of the town of Hingham shall be first supplied.

May extend pipes to Nantasket and Nantasket Beach.

Proviso.

SECTION 8. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Capital stock and shares.

SECTION 9. Manufacturing and other corporations doing any business in said towns of Hingham and Hull are hereby authorized to subscribe for and hold stock of said Hingham Water Company,

Corporations may take stock in company.

Town of Hingham may take stock.

SECTION 10. The town of Hingham may take and hold twenty-five per centum of the capital stock of said corporation, and have a proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do by a two-thirds vote of the voters present and voting thereon at any legal meeting called for the purpose.

Town may purchase property and rights of company.

SECTION 11. The town of Hingham shall have the right at any time during the continuance of the charter hereby granted, to purchase the corporate property, and all the rights and privileges of said company at the actual cost of the same, together with interest thereon at a rate not exceeding ten per centum per annum, said cost to include all actual loss or damage paid or suffered by said company for injury to person or property, deducting from said cost any and all dividends which may have been paid by said corporation, or at such a price as may be mutually agreed upon between said corporation and the town of Hingham; and the said corporation is authorized to make sale of the same, and this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called for that purpose.

Town may issue scrip for defraying cost of property.

SECTION 12. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Hingham through its treasurer may from time to time issue notes, bonds, scrip or certificates of debt, to be denominated on the face thereof "Hingham Water Loan," to an amount not exceeding the amount paid by the town for said purchase, and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, bonds, scrip, or certificates of debt respectively. Said treasurer, under the authority of the town, may sell such notes, bonds, scrip or certificates of debt, or any part thereof, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations, and assess from time to time, amounts not exceeding in any one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as aforesaid, and also a sum sufficient to pay the interest thereon in the same manner as money is assessed and appropriated for other town purposes,

Hingham Water Loan.

Town may appropriate money for payment of principal and interest.

SECTION 13. In case the town of Hingham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town 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 or agents as the town may direct, and the town shall be liable to pay all damages for land, water or water rights taken for the purposes set forth in this act which shall not have been previously paid by said corporation.

Liabilities of town in case of purchase.

SECTION 14. In case the town of Hingham shall accept chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-six, within the time and in the manner therein provided, and shall also, within three months after so accepting the same, vote to construct the works contemplated therein, and to raise and appropriate the necessary sum of money therefor, this act shall be void, otherwise this act shall take effect at and upon the expiration of the time granted to said town in said chapter, within which to accept the same, and said chapter one hundred and thirty of the year eighteen hundred and seventy-six shall become void. *Approved March 21, 1879.*

If town accepts chap. 130 of the acts of 1876, this act to be void.

AN ACT TO AUTHORIZE THE BOSTON, CLINTON, FITCHBURG AND NEW BEDFORD RAILROAD COMPANY TO ISSUE BONDS.

Chap. 140

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

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company, is hereby authorized by vote at a meeting called for the purpose, to issue bonds in sums of not less than one hundred dollars each, payable at periods not exceeding thirty years from the date thereof, and bearing interest not exceeding the rate of six per centum a year, payable semi-annually, to an amount not exceeding the sum of three million five hundred thousand dollars, the proceeds thereof to be used exclusively for the payment of the debt of the corporation now outstanding; and the interest upon all or any portion of said bonds may be secured by the Old Colony Railroad Company, by an agreement in writing thereon, according to the provisions of the existing lease, to said last named company of the Boston, Clinton, Fitchburg and New Bedford Railroad.

May issue bonds, not exceeding \$3,500,000, for payment of outstanding debt.

SECTION 2. This act shall take effect upon its passage. *Approved March 21, 1879.*