

HOUSE . . . . . No. 992.

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[Bill accompanying petition of George W. Fitz for legislation to incorporate the Hamilton Water Company. Water Supply. Feb. 8.]

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Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

To incorporate the Hamilton Water Company.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. George W. Fitz and his associates  
2 and successors are hereby made a corporation  
3 under the name of the Hamilton Water Com-  
4 pany, for the purpose of supplying the town of  
5 Hamilton and its inhabitants with water for the  
6 extinguishment of fires and for domestic, manu-  
7 facturing and all other purposes; with all the  
8 powers and privileges and subject to all the  
9 duties, restrictions and liabilities set forth in all  
10 general laws which now are or may hereafter be  
11 in force applicable to such corporations.

1 SECTION 2. Said corporation may for the pur-  
2 poses aforesaid obtain and use water by means  
3 of bored, driven, artesian or other wells on any  
4 land within the limits of said town acquired by  
5 lease or purchase; and may hold and carry said  
6 water through said town, and may also take and  
7 hold by purchase, lease or otherwise all lands,  
8 rights of way and easements necessary for hold-  
9 ing and preserving such water and for conveying  
10 the same to any part of said town; and may erect  
11 on the lands thus taken or held proper dams,  
12 buildings, fixtures, reservoirs and other structures,  
13 and may make excavations, procure and operate  
14 machinery, and provide such other means and  
15 appliances as may be necessary for the estab-  
16 lishment and maintenance of complete and effec-  
17 tive water works; and may construct and lay  
18 down conduits, pipes and other works, over and  
19 under any lands, water courses, railroads, high-  
20 ways, town ways, and public or private ways of  
21 any kind, and along such ways in such manner  
22 as not unnecessarily to obstruct the same; and  
23 for the purpose of constructing, maintaining and  
24 repairing such conduits, pipes and other works,  
25 and for all proper purposes of this act, said cor-  
26 poration may enter upon and dig up said lands  
27 and any such ways: *provided, however*, that said  
28 corporation shall not enter upon or dig up any  
29 public ways except upon the approval of the  
30 board of selectmen of the town in which such  
31 ways are situated, after a public hearing by said  
32 board, of which at least ten days' notice shall be

33 given, by posting an attested copy of said notice  
34 in at least five public places in said town; and  
35 *provided, further*, that no hearing or notice shall  
36 be necessary in cases where said ways are to be  
37 entered upon and dug up by said corporation for  
38 the purpose of constructing extensions to its  
39 plant and repairing and maintaining such conduits,  
40 pipes and other works.

1 SECTION 3. Said corporation shall, within  
2 sixty days after the taking of any lands, rights  
3 of way, or easements as aforesaid, otherwise than  
4 by purchase, file and cause to be recorded in the  
5 registry of deeds for the county and district in  
6 which the same are situated a description thereof  
7 sufficiently accurate for identification, with a  
8 statement of the purposes for which the same  
9 are taken, signed by the president of the corpo-  
10 ration.

1 SECTION 4. Said corporation shall pay all  
2 damages sustained by any person in property by  
3 the taking of any land, right of way, or easement,  
4 or by any other thing done by said corporation  
5 under the authority of this act. Any person sus-  
6 taining damages as aforesaid under this act, who  
7 fails to agree with the said corporation as to the  
8 amount of the damages sustained, may have the  
9 damages assessed and determined in the manner  
10 provided by law when land is taken for the lay-  
11 ing out of highways, on application at any time  
12 within one year from the taking of such land or

13 other property, or the doing of other injury under  
14 the authority of this act; but no such application  
15 shall be made after the expiration of the said one  
16 year.

1 SECTION 5. Said corporation may distribute  
2 water through the said town of Hamilton, may  
3 regulate the use of said water and fix and collect  
4 the rates for the use of the same; and may make  
5 all such contracts with said town, or with any fire  
6 district that may hereafter be established therein,  
7 or with any individual or corporation, to supply  
8 water for the extinguishment of fires or for any  
9 other purpose, as may be agreed upon by said  
10 town, fire district, individual or corporation, and  
11 the said corporation; and may establish public  
12 fountains and hydrants and relocate and discon-  
13 tinue the same.

1 SECTION 6. Said corporation may for the pur-  
2 poses set forth in this act hold real estate not  
3 exceeding in value twenty-five thousand dollars,  
4 and the whole capital stock of said corporation  
5 shall not exceed seventy-five thousand dollars to  
6 be divided into shares of one hundred dollars each.

1 SECTION 7. Immediately after the payment of  
2 the capital stock of said corporation a certificate  
3 shall be signed and sworn to by its president,  
4 treasurer and at least a majority of the directors,  
5 stating the fact of such payment, the manner in  
6 which the same has been paid in, and the manner  
7 in which its capital has been invested, or voted



8 by the corporation to be invested, at the time of  
9 making the certificate. Such certificate shall be  
10 approved by the commissioner of corporations  
11 and shall be filed in the office of the secretary of  
12 the Commonwealth. The conveyance to the  
13 corporation of property, real or personal, at a fair  
14 valuation, shall be deemed a sufficient paying in  
15 of the capital stock to the extent of such value,  
16 if a statement is included in the certificate, made,  
17 signed and sworn to by its president, treasurer  
18 and a majority of its directors, giving a descrip-  
19 tion of such property and the value at which it  
20 has been taken in payment, in such detail as the  
21 commissioner of corporations shall require or ap-  
22 prove, and endorsed with his certificate that he is  
23 satisfied that the said valuation is fair and reason-  
24 able.

1 SECTION 8. Said corporation may issue bonds  
2 and secure the same by a mortgage upon its fran-  
3 chise and other property to an amount not exceed-  
4 ing its capital stock actually paid in. The proceeds  
5 of all bonds so issued shall only be expended in  
6 the extension of the works of said corporation and  
7 for the payment of expenditures actually made in  
8 the construction of the works, over and above the  
9 amount of the capital stock actually paid in.

1 SECTION 9. The capital stock and bonds here-  
2 inbefore authorized shall be issued only in such  
3 amounts as may from time to time, upon investi-  
4 gation by the commissioner of corporations, be

5 deemed by him to be reasonably required for the  
6 purposes for which such issue of stock or bonds  
7 has been authorized. His decision approving such  
8 issue shall specify the respective amounts of stock  
9 and bonds authorized to be issued, and the pur-  
10 poses to which the proceeds thereof are to be  
11 applied. A certificate setting forth his decision  
12 shall be filed in the office of the secretary of the  
13 Commonwealth before the stock or the bonds are  
14 issued, and the proceeds of such stock or bonds  
15 shall not be applied to any purpose not specified  
16 in such decision.

1 SECTION 10. Whoever wilfully or wantonly  
2 corrupts, pollutes or diverts any of the waters  
3 taken or held under this act, or injures any struct-  
4 ure, work or other property owned, held or used  
5 by said corporation under the authority and for  
6 the purposes of this act, shall forfeit and pay to  
7 said corporation three times the amount of damages  
8 assessed therefor, to be recovered in an action of  
9 tort; and upon conviction of any of the above  
10 wilful or wanton acts shall be punished by a fine  
11 not exceeding three hundred dollars or by impris-  
12 onment not exceeding one year.

1 SECTION 11. This act shall take effect upon  
2 its passage and shall become void unless work  
3 under this act is begun within three years from  
4 the date of its passage.