

HOUSE No. 1077.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 25, 1902.

The committee on Water Supply, to whom was referred the petition (with accompanying bill, House, No. 1023) of Louis H. Warner for legislation to incorporate the Hadley Water Company, report the accompanying bill.

For the Committee,

H. R. KING.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two.

AN ACT

To incorporate the Hadley 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. John J. Kirkpatrick, Daniel
2 O'Connell, Junior, and John J. Sullivan, their
3 associates and successors, are hereby made a cor-
4 poration by the name of the Hadley Water Com-
5 pany, for the purpose of supplying the inhabitants
6 of the town of Hadley with water for the extin-
7 guishment of fires and for domestic, manufactur-
8 ing and other purposes commonly incident to such
9 water works.

1 SECTION 2. Said corporation, for the purposes
2 aforesaid, may lease, take and acquire by purchase
3 or otherwise, as provided in the following section,
4 the waters of Hartsbrook, so called, at the place
5 commonly known as Pratt's mill pond, together
6 with such adjacent lands as may be necessary for

7 the preservation of the purity of the waters, for
8 the location of a standpipe, and the rights of way
9 and easements necessary for holding and preserv-
10 ing said waters and conveying the same in a suit-
11 able and proper course across private lands if
12 necessary for the purposes aforesaid.

13 Also in the same manner said corporation may
14 take and acquire any waters necessary for supply-
15 ing that part of said town called North Hadley
16 and such adjacent lands as may be necessary for
17 the preservation of the purity of the water, for the
18 location of a standpipe, and rights of way and
19 easements necessary for holding and preserving
20 said waters and conveying the same in a suitable
21 and proper course across private lands if neces-
22 sary for the purposes aforesaid.

1 SECTION 3. Said corporation shall within sixty
2 days after taking of any lands, rights of way,
3 water rights, water sources or easements as afore-
4 said, other than by purchase, cause to be recorded
5 in the registry of deeds for Hampshire county a
6 description and map thereof sufficiently accurate
7 for identification, with a statement of the purpose
8 for which the same were taken, signed by the
9 president and treasurer of the corporation.

10 The recording shall operate as a taking of the
11 real estate and rights and easements therein de-
12 scribed.

1 SECTION 4. Said corporation may also by lease
2 or purchase acquire for its purposes other sources

3 of water supply and other lands and water power
4 for the purpose of operating pumping stations.

1 SECTION 5. Said corporation may for its pur-
2 poses hold real estate not exceeding in amount
3 twenty thousand dollars. The whole capital stock
4 of said corporation shall not exceed twenty-five
5 thousand dollars, to be divided into shares of one
6 hundred dollars each. If necessary for the pur-
7 poses of said corporation an increase of capital
8 stock may be authorized by the commissioner of
9 corporations in the manner provided in section
10 thirty of chapter one hundred and nine of the Re-
11 vised Laws. It may issue bonds and secure the
12 same by mortgage on its franchise and other
13 property, the total amount not exceeding its capi-
14 tal stock actually paid in. Such bonds shall be
15 issued only in such amounts as may from time to
16 time upon investigation by the commissioner of
17 corporations be deemed by him to be reasonably
18 requisite for the purposes for which such corpora-
19 tion is established. A certificate setting forth the
20 decision of the commissioner shall be filed in the
21 office of the secretary of the Commonwealth be-
22 fore the bonds are issued, and the proceeds shall
23 apply to such purposes as are specified in the de-
24 cision of the commissioner.

1 SECTION 6. Sections twenty-two and twenty-
2 three of chapter one hundred and nine of the
3 Revised Laws shall apply to the payment of the
4 twenty-five thousand dollars of the capital stock
5 of this corporation.

1 SECTION 7. Said corporation may locate its
2 water pipe in any of the public ways of said Had-
3 ley. The selectmen may direct as to the place
4 where the main line of the water pipe shall be
5 located in any street. Construction and repairs
6 shall be so done as not to prevent the convenient
7 passing of teams.

1 SECTION 8. Any person sustaining damage
2 by reason of any taking of property in the exer-
3 cise of the right of eminent domain under this
4 act may have the damage assessed in the manner
5 provided in chapter forty-eight of the Revised
6 Laws.

1 SECTION 9. Said corporation may distribute
2 the water through said Hadley, may regulate the
3 use of said water and fix and collect the rates to
4 be paid for use of said water, and make such con-
5 tracts with the said town or with any fire district
6 that may hereafter be established therein, or with
7 any individual or corporation to supply water for
8 the extinguishment of fire, or for any purposes as
9 may be agreed upon by said town or such fire
10 district, individual or corporation; and said cor-
11 poration may establish public fountains and
12 hydrants, and relocate and discontinue the same.

1 SECTION 10. Said corporation, shall, if it
2 installs a water supply system under this act,
3 supply all persons desirous of taking water who
4 reside in those portions of Hadley known as the
5 Bay road, from the house of Dwight Morton and

6 Edward Morton to the West street in Hadley;
7 West street, Middle street and East street and
8 the connecting streets, and furnish a continuous
9 water supply along the main highway to North
10 Hadley and to Sunderland line, with a supply
11 to other streets in the village of North Hadley
12 where the residents desire to take the water.

1 SECTION 11. The system shall be completed
2 within three years from the passage of this act,
3 and the town of Hadley may enforce the pro-
4 vision for the furnishing of a complete system by
5 any suitable proceedings.

1 SECTION 12. The town of Hadley shall have
2 the right at any time to take, by purchase or by
3 exercise of the right of eminent domain, the
4 franchise, corporate property and all the rights
5 and privileges of said corporation on payment of
6 the actual cost thereof, and unless the dividends
7 earned and declared by said company on its stock
8 shall be equal to or in excess of five per centum
9 per annum there shall be added to the first cost
10 such sum as shall make the net return to the
11 stockholders five per centum per annum on the
12 investment. If said town shall so take said
13 property they may assume any indebtedness of
14 said corporation by lawful issue of bonds secured
15 by mortgage as a part payment of the amount to
16 be paid for said taking. Said corporation shall
17 furnish annually an itemized statement to the
18 town of Hadley of the receipts and expenditures

19 of said corporation and of the dividends paid on
20 said stock, which shall be by the selectmen of the
21 town submitted to the citizens of said town at
22 each annual town meeting. This authority to
23 purchase or take said franchise and property of
24 said corporation shall be exercised by said town
25 only after the town has voted to purchase or take
26 the same by a two-thirds vote of the voters of said
27 town present and voting thereon at a meeting
28 legally called for that purpose. And the taking,
29 if by exercise of the right of eminent domain,
30 shall be by filing in the registry of deeds for
31 Hampshire county a declaration of such taking,
32 which shall include a certified copy of the article
33 in the warrant under which the town acted and
34 of the vote of the town thereon showing that it
35 was passed by a two-thirds vote as herein referred.

1 SECTION 13. This act shall take effect upon
2 its passage, so far as to permit its submission to
3 the voters of the town of Hadley; and it shall
4 take full effect only upon its acceptance by a
5 two-thirds vote of the voters of the town voting
6 thereon by ballot at a special town meeting
7 legally called for the purpose. If then voted
8 upon and not accepted, it may be resubmitted at
9 subsequent town meetings legally called for the
10 purpose: *provided*, that it shall not be voted upon
11 by the town more than twice in any one year.

1 SECTION 14. This act shall take effect upon its
2 passage.

