

HOUSE No. 1641

Bill accompanying the petition of M. V. Thomson and others for legislation to incorporate the Monterey Water Company for the purpose of supplying pure water to the inhabitants of the village of Monterey. Water Supply. January 26.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To incorporate the Monterey 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. Henry L. Langhaar, Martin V. Thomson,
2 Fred A. Campbell, Julius D. Miner and Delmor C.
3 Tryon, their associates and successors, are hereby made
4 a corporation by the name of the Monterey Water
5 Company for the purpose of furnishing the inhabitants
6 of the village of Monterey with water for the extin-
7 guishment of fires, and for domestic and other purposes;
8 and for such purposes shall have all the powers and
9 privileges and be subject to all the duties, restrictions
10 and liabilities set forth in the general laws which now
11 are or may hereafter be in force relating to such cor-
12 porations.

1 SECTION 2. Said corporation may take, hold and
2 convey to, into and through the village of Monterey,
3 the water of any spring or springs, or of any natural
4 pond or ponds, brook or brooks, within said town of
5 Monterey, with any water rights connected therewith,
6 and may also take and hold by purchase or otherwise,
7 any real estate, rights of way or easements, necessary
8 for laying, conducting and maintaining aqueducts,
9 reservoirs, storage basins, dams, and such other works
10 as may be deemed necessary or proper for collecting,
11 conducting, purifying, storing, discharging and distrib-
12 uting said waters to said inhabitants.

13 Said corporation shall, within sixty days from the
14 time of taking any such water, water rights or water
15 sources, or any real estate, rights of way or easements
16 as aforesaid, otherwise than by purchase, file in the
17 office of the registry of deeds for the southern district,
18 county of Berkshire, a description thereof sufficiently
19 accurate for identification, with a statement of the pur-
20 poses for which the same was taken, signed by the presi-
21 dent of the corporation.

1 SECTION 3. Said corporation may make and build
2 one or more permanent aqueducts from any source or
3 sources before mentioned into and through said village,
4 and maintain the same by any works suitable therefor;
5 may erect and maintain dams to raise and retain the
6 waters therein; may make and maintain reservoirs
7 within and without said village; may make and estab-
8 lish public fountains and hydrants in such places as it
9 may from time to time deem proper, and prescribe the
10 purposes for which they may be used, and may change
11 or discontinue the same; may distribute the water
12 throughout the village and may regulate the use of said

13 water and establish the prices or rates therefor. And
14 the said corporation may for the purposes aforesaid,
15 construct and lay down conduits, pipes, and other works
16 under or over any lands, water courses, railroads, or
17 public or private ways, and along any such ways, in
18 such manner as not unnecessarily to obstruct the same;
19 and for the purpose of constructing, maintaining and
20 repairing such conduits, pipes and other works, and for
21 all proper purposes of this act, said corporation may
22 enter upon and dig up any such lands, and under the
23 direction of the selectmen of the town in which any such
24 ways are situated, may enter upon and dig up such ways
25 in such manner as to cause the least hindrance to public
26 travel of such ways.

1 SECTION 4. Said corporation shall be liable to pay all
2 damages that shall be sustained by any persons in their
3 property by the taking of any land, water, water rights
4 or easements, or by constructing any aqueducts or other
5 works for the purposes specified in this act, and if any
6 person who shall sustain damages as aforesaid cannot
7 agree with said corporation upon the amount of said dam-
8 ages, the same shall be ascertained, determined and re-
9 covered in the manner now provided by law in case of
10 land taken for highways.

1 SECTION 5. Said corporation may hold real and per-
2 sonal property necessary and convenient for the purposes
3 of this act, and its whole capital stock shall not exceed
4 twenty thousand dollars, which shall be divided into
5 shares of one hundred dollars each; (and no pecuniary
6 liability shall be assumed by said corporation until one
7 quarter part of its capital stock has actually been paid for
8 in cash).

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

1 SECTION 7. The said town of Monterey, or any fire dis-
2 trict that may hereafter be established therein, shall have
3 the right at any time during the continuance of the charter
4 hereby granted, to purchase the franchise, corporate prop-
5 erty and all the rights and privileges of said corporation
6 at a price which may be mutually agreed upon between
7 said town or fire district and said corporation; and the
8 said corporation is authorized to make sale of the same to
9 said town or to such fire district. In case said corporation
10 and said town or fire district are unable to agree as to the
11 compensation to be paid therefor, then the same shall be
12 determined by three commissioners to be appointed by the
13 Supreme Judicial Court upon application of either party
14 and notice to the other; the award of said commissioners
15 or a majority of them, when accepted by said court, shall
16 be final and binding upon all parties. This authority to
17 purchase said franchise and property is granted on condi-
18 tion that the same is assented to by said town or such fire
19 district by a two thirds vote of the voters of said town or
20 such fire district present and voting thereon at a meeting
21 called for that purpose, and that all necessary arrange-
22 ments shall have been made by special legislation or other-

23 wise to provide for the payment of the said purchase price,
24 the election of proper town or fire district officers and the
25 carrying out of such other details, whereby said transac-
26 tion may be consummated and the purposes of this act
27 carried out.

1 SECTION 8. This act shall take effect upon its passage.

