

AN ACT CONCERNING THE ONSET STREET RAILWAY COMPANY.

Chap. 429

Be it enacted, etc., as follows:

SECTION 1. The Onset Street Railway Company may locate, construct and maintain a single track across Onset avenue at or near the centre of East Central avenue and West Central avenue in the town of Wareham.

May construct a track across Onset avenue in Wareham.

SECTION 2. Said company may operate its cars upon said track by animal power or by such other motive power as the selectmen of said town may from time to time permit.

Motive power.

SECTION 3. Said company may discontinue the use of said track not more than eight months in any one year.

Discontinuance of use of track.

SECTION 4. In the operation of its cars upon said track said company shall be subject to the provisions of chapter one hundred and thirteen of the Public Statutes and chapter two hundred and eighty-five of the acts of the year eighteen hundred and eighty-six except as hereinbefore provided.

Subject to P. S., 113 and 1886, 285.

SECTION 5. This act shall take effect upon its passage.

Approved June 6, 1889.

AN ACT TO AUTHORIZE THE STOCKBRIDGE WATER COMPANY TO FURNISH ADDITIONAL WATER SUPPLY.

Chap. 430

Be it enacted, etc., as follows:

SECTION 1. The Stockbridge Water Company for the purpose of furnishing an additional supply of water to the inhabitants of the town of Stockbridge for domestic and other purposes, including the extinguishment of fires, may take by purchase or otherwise and may hold and convey through the town of Stockbridge or any part of said town the water, so far as may be necessary, of any well, spring, pond or stream within said town; and may also take by purchase or otherwise and hold any lands, rights of way and easements within said town necessary for the purposes of preserving and purifying such water or for erecting any dams or reservoirs for holding the same, and for laying and maintaining aqueducts or pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes over or under any

Stockbridge Water Company may furnish town of Stockbridge with additional supply of water. May take and hold lands, etc.

water course, street, railroad, highway or other way in such manner as not unnecessarily to obstruct the same; and may enter upon and dig up any road or other way, under the direction of the selectmen of said town, for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other thing convenient or proper for carrying out the purposes of this act.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 2. The said corporation shall within sixty days after the taking of any lands, rights of way or easements, water rights or sources, as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Berkshire a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Payment of damages.

SECTION 3. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water rights or water sources, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is diverted.

May regulate use of water and fix and collect water rates.

SECTION 4. The said corporation may distribute water, as aforesaid secured and provided, through the said town of Stockbridge, may regulate the use of said water and fix and collect rates to be paid for the use of the same, and may make such contracts with the said town or with any individual or corporation to supply water for domestic and other private purposes, and for the extinguishment of fires and other public purposes, as may be agreed upon by said town or such individual or corporation and said Stockbridge Water Company.

SECTION 5. The said corporation may for the purposes set forth in this act hold real estate to an amount not exceeding fifty thousand dollars, and may increase its capital stock to an amount not exceeding seventy-five thousand dollars, to be divided into shares of fifty dollars each, and may issue such portion thereof as the stockholders at a meeting called for that purpose may vote as preferred stock, entitled to dividends not exceeding three per centum semi-annually in preference and priority to dividends upon the common stock. Said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage on its franchise, corporate property and rights to an amount not exceeding its capital stock actually paid in and applied to the purposes of this act.

Real estate,
capital stock
and shares.

May issue
bonds.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken or held under the provisions of this act, or injures any structure, work or other property constructed, made, held or used for the purposes of and under the authority of this act, shall forfeit and pay to the proprietors of the water works for the time being three times the actual damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above-named wilful or wanton acts, shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

Penalty for
wilfully cor-
rupting or
diverting water.

SECTION 7. The said town of Stockbridge shall have the right at any time to take by purchase or otherwise the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. The said town on taking, as herein provided, the property of

Town may take
franchise and
property at any
time.

To assume all
outstanding
obligations.

said corporation shall assume all of its outstanding obligations, including the bonds authorized by this act; and the amount thus assumed shall be deducted from the total amount to be paid by said town to said corporation. In case of a foreclosure of any mortgage authorized by this act the said town may take possession of the property and rights of said corporation on the payment of the bonds secured by said mortgage, principal and interest. In case said town and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on the condition that the taking is assented to by said town by a two-thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Authority to take franchise to be assented to by a two-thirds vote.

Stockbridge Water Loan not to exceed \$60,000.

SECTION 8. The said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate sixty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Stockbridge Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town shall pay the interest upon said loan as it accrues and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or, from year to year, by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute

Sinking fund to be established.

thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments such amounts as may be necessary to make such payments shall, without further vote of said town, be raised annually by taxation in the same way as money is raised for other town purposes.

SECTION 9. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Returns required to state amount of sinking fund, etc.

SECTION 10. After the purchase of said franchise and corporate property, as herein provided, the said town shall raise annually by taxation a sum which with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said town, together with such payments on the principal as may be required under the provisions of this act. Said town is further authorized, by assent of two-thirds of the voters of said town present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith not exceeding three thousand dollars in any one year.

Town to raise by taxation, etc., sufficient for current annual expenses, interest, etc.

SECTION 11. The said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules

May raise money for extension of works.

Board of water commissioners to be elected.

and regulations as said town may impose by its vote. The said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose. No money shall be drawn from said town treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town in writing of their doings and expenditures.

To be trustees of sinking fund.

Vacancy.

To make annual report.

Town may adopt by-laws, rules and regulations, etc.

Work to be commenced within one year.

SECTION 12. The said town may adopt by-laws prescribing by whom and how meetings may be called and notified. The said town may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

SECTION 13. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within one year from the date of its passage.

Approved June 7, 1889.

Chap. 431 AN ACT TO INCORPORATE THE WATER WORKS SECURITY COMPANY OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Water Works Security Company of Massachusetts, incorporated.

SECTION 1. Richard F. Barrett, William H. Bowker, Charles F. Parks, John H. Chapman and William Wheeler, their associates and successors, are made a corporation by the name of the Water Works Security Company of Massachusetts, for the purposes hereinafter set forth; to have its place of business in the city of Boston and to be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes, so far as the same do not conflict with the provisions of this act, and to all general laws which now are or hereafter may be in force relating to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not be less than one hundred thousand dollars nor more than five hundred thousand dollars, divided into shares of the par value of one hundred dollars each; and no busi-