

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1897,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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1897.

deem proper; and said maximum rates shall be binding upon said water company until the same shall be revised or altered by said court pursuant to this act.

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

Approved May 1, 1897.

AN ACT RELATIVE TO THE ISSUE BY RAILROAD AND STREET RAILWAY COMPANIES OF COUPON NOTES AND OTHER EVIDENCES OF INDEBTEDNESS.

Chap. 337

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-four, relative to the issue of bonds by railroad and street railway companies, shall apply to the issue by such companies of coupon notes and other evidences of indebtedness payable at periods of more than twelve months from the date thereof.

1894, 462, to apply to issue of coupon notes, etc.

SECTION 2. No railroad or street railway company, unless expressly authorized so to do by its charter or by special legislative act, shall issue bonds, coupon notes or other evidences of indebtedness payable as aforesaid, to an amount which, including the amount of all such securities previously issued and outstanding, exceeds in the whole the amount of its capital stock at the time actually paid in: *provided*, that this limitation shall not apply to the issue of bonds for the purpose of paying and refunding on their maturity bonds heretofore lawfully issued.

Amount of bonds, etc., not to exceed amount of capital stock in certain cases.

Proviso.

SECTION 3. Nothing herein contained shall affect any notes or other evidences of indebtedness issued by such corporations prior to the passage of this act, or in fulfillment of contracts now existing.

Not to affect certain notes, etc.

Approved May 3, 1897.

AN ACT TO INCORPORATE THE GROTON WATER COMPANY.

Chap. 338

Be it enacted, etc., as follows:

SECTION 1. George S. Boutwell, Milo H. Shattuck, Henry W. Whiting, William A. Lawrence, Michael Sheedy, Junior, James Lawrence, F. Lawrence Blood, John Lawrence, Charles H. Dodge, John G. Park, William B. Warren, William A. Moore, Grafton D. Cushing, Frank F. Woods, John H. Robbins, Henry K. Richards and William P. Lawrence, their associates and successors,

Groton Water Company incorporated.

are hereby made a corporation under the name of the Groton Water Company, for the purpose of supplying the town of Groton and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and all 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 may hereafter be in force applicable to such corporations.

May take certain waters, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may take, lease, acquire by purchase or otherwise, and hold the waters of any pond, brook, spring, well or stream within the limits of the said town of Groton, and all the waters connected therewith, and may obtain and take water by means of bored, driven, artesian or other wells on any land within the limits of the said town: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health. Said corporation may hold, and carry said water through said town, and may also take and hold, by purchase, lease or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the lands thus taken or held proper dams, buildings, fixtures, reservoirs and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, over and under any lands, water courses, railroads, highways, town ways and public or private ways of any kind, and along such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may enter upon and dig up said lands and any such ways; *provided, however*, that said corporation shall not enter upon or dig up any public ways except upon the approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board of which at least ten days' notice shall be given by posting an attested copy of said notice in at least five public places in said town, and *provided, further*, that no hear-

Provisos.

ing or notice shall be necessary in cases where said ways are to be entered upon and dug up by said corporation for the purpose of constructing extensions to its plant and repairing and maintaining such conduits, pipes and other works.

SECTION 3. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same are taken, signed by the president of the corporation.

Description of lands, etc., to be recorded.

SECTION 4. 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 the said corporation as to the amount of the 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 one year from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of the said one year. No application for the assessment of damages for the taking of any water, water right or water source, or for any injury thereto, shall be made until the water is actually withdrawn or diverted by the said corporation under the authority of this act.

Damages.

SECTION 5. Said corporation may distribute water through the said town of Groton, may regulate the use of said water and fix and collect the rates for the use of the same; and may make all such contracts with said town, or with any fire district that may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fires or for any other purpose, as may be agreed upon by said town, fire district, individual or corporation, and the said corporation; and may establish public fountains and hydrants and relocate and discontinue the same.

Distribution of water, etc.

Real estate and capital stock.

SECTION 6. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock of said corporation shall not exceed sixty thousand dollars, to be divided into shares of one hundred dollars each.

Certificate of payment of capital to be filed, etc.

SECTION 7. Immediately after the payment of the capital stock of said corporation a certificate shall be signed and sworn to by its president, treasurer and at least a majority of the directors, stating the fact of such payment, the manner in which the same has been paid in, and the manner in which its capital has been invested, or voted by the corporation to be invested, at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations and shall be filed in the office of the secretary of the Commonwealth. The conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that the said valuation is fair and reasonable.

May issue mortgage bonds, etc.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage upon its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of said corporation and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 9. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably required for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the pur-

poses to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 11. Said town of Groton 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 actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of such purchase or taking, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation exceeds 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. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Groton, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town, and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the

Town may take franchise, property, etc.

Statement of receipts and expenditures to be submitted annually, etc.

voters of said town present and voting thereon at a meeting legally called for that purpose.

Groton Water
Loan.

SECTION 12. Said town of Groton may, for the purpose of paying the cost of said 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 one hundred and twenty thousand dollars; such bonds, notes or scrip shall bear on their face the words, Groton 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 cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. 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. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

May provide for
annual pay-
ments on loan.

SECTION 13. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by the said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Payment of
expenses, etc.

SECTION 14. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 15. Said town shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one for three years, one for two years and one for one year from the next annual town 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 said town by this act and not otherwise specially provided for shall be vested in the said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may by its vote impose. The said commissioners shall be 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 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.

Water commis-
sioners, elec-
tion, terms, etc.

To be trustees
of sinking fund,
etc.

SECTION 16. Upon application by the owner of any land, water or water rights taken under this act, the county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

Security for
payment of
damages, etc.,
required in
certain cases.

SECTION 17. This act shall take effect upon its passage, and shall become void unless work under this act is begun within three years from the date of its passage.

When to take
effect.

Approved May 5, 1897.