

the amount received for each fund shall be held and used only in the manner heretofore provided.

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

Approved April 2, 1897.

AN ACT TO INCORPORATE THE HOUSATONIC WATER WORKS COMPANY. *Chap. 229*

Be it enacted, etc., as follows:

SECTION 1. Daniel B. Wesson, Theodore C. Woodbury, Charles L. Long and their associates and successors are hereby made a corporation by the name of the Housatonic Water Works Company, for the purpose of furnishing the village of Housatonic in the town of Great Barrington with water for the extinguishment of fires and for domestic and 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. The provisions of chapter two hundred and sixty-two of the acts of the year eighteen hundred and eighty-four, except the first section thereof, and of all acts in amendment thereof, shall apply to said corporation.

Housatonic
Water Works
Company in-
corporated.

SECTION 2. A conveyance to the said Housatonic Water Works Company, at a fair valuation, of the property of the Housatonic Water Company, which was obtained by said Theodore C. Woodbury and Charles L. Long by deed of the Farmers Loan and Trust Company, of the city, county and state of New York, given under the decree of foreclosure of the mortgage given by said Housatonic Water Company to said Farmers Loan and Trust Company, which decree was made by the United States circuit court for the district of Massachusetts, and which deed is recorded in the registry of deeds for the southern district of Berkshire county, shall be deemed a sufficient paying in of its capital stock to the extent of such value, if a statement, made, signed and sworn to by the president, treasurer, and a majority of the directors of said water works company, 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 said valuation is fair and reasonable, is filed with the secretary of the Commonwealth.

Payment of
capital, etc.

May issue mortgage bonds, etc.

SECTION 3. Said corporation may issue bonds and secure the same by a mortgage on 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 the company and for the payment of expenditures actually made in 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 4. 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 requisite 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 purposes 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 certificates of 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.

Penalty for corruption of water, etc.

SECTION 5. 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 either 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.

Town may take franchise, property, etc.

SECTION 6. The town of Great Barrington 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 said purchase or taking, as herein provided, at the rate of five per cent. 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.

An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Great Barrington, 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 voters of said town present and voting thereon at a meeting legally called for that purpose.

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

SECTION 7. Said town 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 eighty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Great Barrington 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.

Great Barrington Water Loan.

Sinking fund.

SECTION 8. 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

May provide for annual payments on loan.

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 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 9. 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 as may be required under the provisions of this act.

Water commissioners, election, terms, etc.

SECTION 10. 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 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 town meeting, to constitute a board of water commissioners; and at each annual town 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 specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. 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 town meeting called for the purpose.

To be trustees of sinking fund.

Vacancy.

SECTION 11. This act shall take effect upon its passage.

Approved April 2, 1897.

Chap. 230 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE FIRE MARSHAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Com-