

AN ACT TO SUPPLY THE TOWN OF READING WITH WATER.

*Chap. 405**Be it enacted, etc., as follows:*

SECTION 1. The town of Reading, for the purpose of supplying said town and the inhabitants thereof with pure water for the extinguishment of fires and for domestic and other purposes, may take by gift, purchase or otherwise the water of any well, spring or stream within said town, and obtain and take water by means of bored, driven or artesian wells within said town, and hold and convey said water through said town, and may also take and hold by gift, purchase or otherwise any land, rights of way and easements necessary for obtaining and taking said water, and laying, constructing and maintaining aqueducts, water courses, reservoirs, storage basins, dams and such other works as may be deemed necessary for collecting, purifying, storing, retaining, discharging, conducting and distributing said water.

Town of Reading may supply itself with water.

SECTION 2. Said town shall within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, for the purpose of this act, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the water commissioners hereinafter provided for.

To record in the registry of deeds a description of lands, etc., taken.

SECTION 3. Said town, for the purpose aforesaid, may bore or drive wells, construct aqueducts, and maintain dams, reservoirs, storage basins and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water and establish the rates to be paid therefor, and collect the same by process of law. Said town may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any water course, street, railroad, public way, highway or other way in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct, and may do any other thing necessary and proper in executing the purposes of this act.

May bore wells and construct aqueducts.

May enter upon and dig up roads.

Liability of town for damages.

SECTION 4. Said town shall be liable to pay all damages sustained by any persons or corporations by the taking of or injury to any of their land, water, water rights, rights of way, easements or property, or by the constructing or repairing of any aqueduct, reservoir or other works for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town 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 other injury, under the authority of this act; but no such application shall be made after the expiration of said three years.

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

SECTION 5. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Reading Water Loan not to exceed \$100,000.

SECTION 6. The said town may, for the purpose of paying 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 thousand dollars; such bonds, notes and scrip shall bear on their face the words, Reading 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 the town and countersigned by the water commissioners. The said town may sell such securities at public auction 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: *provided*, that such securities shall not be sold or pledged at less than the par value thereof. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually, after the expiration of five years from the first issuance of said loan, contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity.

Sinking fund to be established.

The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 7. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such proportionate payments, after the expiration of five years from the first issuance of said loan, as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required 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.

May provide for proportionate payments instead of establishing sinking fund.

SECTION 8. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Return to state amount of sinking fund, etc., established.

SECTION 9. The 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.

May raise by taxation, etc., sufficient for current annual expenses and interest.

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 town under the authority and for the purposes of this act, shall forfeit and pay to said town 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.

Penalty for wilfully corrupting or diverting water, etc.

SECTION 11. The said town shall, after the acceptance of 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,

Board of water commissioners to be elected.

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 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 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 town meeting called for the purpose.

Subject to acceptance by a two-thirds vote within three years.

SECTION 12. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Approved June 4, 1889.

Chap. 406 AN ACT RELATING TO COMPOSITION WITH CREDITORS IN INSOLVENCY.

Be it enacted, etc., as follows:

Composition with creditors in insolvency, proof of claims, etc.

SECTION 1. In proceedings in insolvency under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and amendments thereto, when no warrant is issued, the date of giving notice by the register to the creditors of the debtor's proposal of composition as required by law shall have the same effect in respect to the proof of claims and the debtor's discharge as the date of the first publication of issuing the warrant in voluntary cases in insolvency.

Discharge to dissolve attachment on mesne process made within four months.

SECTION 2. The discharge granted by the court under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and amendments thereto shall be effectual to dissolve any attachment on mesne process made not more than four months prior to the time of giving notice by the register to the creditors of the debtor's proposal of composition as required by law.

Debtor to be present at hearing and may be examined.

SECTION 3. Section six of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four is hereby amended to read as follows:—The