

Subject to acceptance by cities and towns.

SECTION 4. This act shall take effect in any town upon its acceptance by a majority vote at a town meeting duly warned for the purpose, and in any city upon its acceptance by the board of aldermen thereof.

Approved June 9, 1885.

Chap.310

AN ACT RELATING TO CHANGE OF BUSINESS BY CORPORATIONS.

Be it enacted, etc., as follows :

Change of business by corporations.

The provisions of section fifty-one of chapter one hundred six of the Public Statutes shall apply to and include all corporations mentioned in the third section of said chapter and those which have complied with the provisions of the fourth section thereof.

Approved June 9, 1885.

Chap.311

AN ACT TO INCORPORATE THE WILLIAMSTOWN WATER COMPANY.

Be it enacted, etc., as follows :

Williamstown Water Company, incorporated.

SECTION 1. Albert C. Houghton, James M. Waterman, Calvin B. Cook, William B. Clark, Sidney S. Edwards and their associates and successors, are hereby made a corporation by the name of the Williamstown Water Company, for the purpose of furnishing the inhabitants of the town of Williamstown 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.

May take water of springs and brooks in Williamstown.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the water of any springs or brooks in the town of Williamstown and the water rights connected with any such water sources and any water procured from any other source under the authority of this act; and also 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 land thus taken or held proper dams, buildings, fixtures 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, under or over any lands, water courses, railroads or public or private ways and along any such ways in such

May construct and lay down conduits, etc.

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 dig up any such lands and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The 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 within which such lands or other property is situated, 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.

Description of land, etc., taken to be recorded in registry of deeds.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation 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 or corporation 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 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 right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Liability for damages.

SECTION 5. The said corporation may distribute the water through said town of Williamstown, 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 fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguish-

May fix and collect water rates.

ing of fire or for other purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

Real estate and capital stock.

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

Penalty for corrupting or diverting water.

SECTION 7. 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.

Bonds not to exceed amount of capital stock.

SECTION 8. The said corporation may issue bonds, bearing interest at a rate not exceeding six per cent. per annum, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Town may purchase franchise and property.

SECTION 9. The said town of Williamstown shall have the right at any time to purchase of said corporation its franchise, corporate property, and all its rights, powers and privileges, at a price which may be mutually agreed upon, and may have a like right to purchase their interest from the mortgagees after foreclosure of any mortgage authorized by section eight of this act; and said corporation is authorized to make sale of the same to said town. If said corporation or said mortgagees, as the case may be, and said town, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of said town, and notice to the other party, whose award, when accepted by said court, shall be binding upon all parties. If said corporation shall have issued bonds under the provisions of section eight and the mortgage shall not have been foreclosed, and the compensation to be paid shall be determined by commis-

sioners as aforesaid, such commissioners shall find the value of such franchise, corporate property, rights, powers and privileges, as if the same were unencumbered, and the mortgagees shall be entitled to be heard before such commissioners as to such value; and if the value so found shall exceed the amount of such mortgage debt, said town shall acquire such franchise, property, rights, powers and privileges by paying said corporation such excess, and shall assume said mortgage debt as part of the water loan authorized by section ten; but if the value so found should be less than the amount of such mortgage debt, then said town shall acquire such franchise, property, rights, powers and privileges of said corporation, and also the interest of said mortgagees, by paying said mortgagees the amount of the value so found, and such mortgage shall thereby be discharged; and said town shall thereupon hold and possess such franchise and all said corporate property, rights, powers and privileges unencumbered and discharged from any trust. The right to purchase as aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Mortgagees may be heard.

Subject to a two-thirds vote.

SECTION 10. 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 one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Williamstown 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 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. The 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

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

To establish sinking fund.

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

May make annual proportionate payments instead of establishing sinking fund.

SECTION 11. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will 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.

Return required to state amount of fund, etc.

SECTION 12. The return 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 in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise by taxation sufficient for current expenses and interest.

SECTION 13. 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.

Board of water commissioners.

SECTION 14. 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 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 specifically 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.

Vacancies in board.

SECTION 15. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, 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 the 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 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 making surveys, shall be suspended until it gives the security so required.

Security may be required for payment of costs and damages.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

Work to commence within three years.

Approved June 10, 1885.

AN ACT TO LIMIT MUNICIPAL DEBT OF AND THE RATE OF TAXATION
IN CITIES.

Chap. 312

Be it enacted, etc., as follows:

SECTION 1. The taxes assessed on property in any city, except the city of Boston, exclusive of state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed in any year twelve dollars on every one thousand dollars of the average of the assessors' valuations of the taxable property therein for the preceding three years, the valuation for each year being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment, and any order or appropriation requiring a larger assessment than is herein limited shall be void.

Limit of rate of taxation in cities, except Boston.

SECTION 2. The limit of indebtedness of cities shall hereafter be two and one-half per cent. on the average

Limit of indebtedness.