

Rhode Island. Laws, statutes, etc
1886-87.

ACTS, RESOLVES AND REPORTS,
OF THE
GENERAL ASSEMBLY

OF THE
State of Rhode Island and Providence Plantations,

PART I.—MAY SESSION, 1886.

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1887.

AN ACT TO INCORPORATE THE WESTERLY WATER WORKS.

Passed May 28,
1886.

It is enacted by the General Assembly as follows:

SECTION 1. James M. Pendleton, George B. Utter, J. Barclay Foster, Charles Perry, Jr., Arthur Perry, Thomas H. Peabody, and Henry N. Crandall, their associates, successors and assigns, are hereby made a body corporate and politic by the name of the Westerly Water Works, for the purpose of introducing and continuing a supply of pure water into the town of Westerly and vicinity, to be used for domestic, manufacturing and other purposes, and for fire protection, with all the powers and privileges, and subject to all the duties and liabilities set forth in chapters 152 and 155 of the Public Statutes, and in chapter 285 of the Public Laws, and in all acts in amendment of said chapters and in addition thereto, and by said name are made capable in law to purchase, possess, have, hold, enjoy and retain to them, their associates, successors and assigns, lands, tenements, hereditaments, goods, chattels and effects of whatsoever name or nature, and the same to mortgage, sell, assign, or otherwise dispose of; to ordain such by-laws and regulations, not being contrary to law, as to them shall seem expedient for the government and management of said corporation, and generally to do all things necessary and proper to carry into effect the powers and privileges herein granted.

SEC. 2. Said corporation may distribute the water throughout the town, or authorize the same to be done, regulate its use, and the price to be paid therefor. Said corporation, for the purposes aforesaid, may cause any works to be constructed or authorized to be constructed by them, over or under any highway, turnpike, railroad or street, in such manner as not to permanently obstruct or imperil travel thereon; and may enter upon and dig up any highway, turnpike, railroad or street, for the purpose of laying down pipes or building aqueducts upon or beneath the surface thereof, or for the purpose of repairing the same. Such work upon or in any highway or street to be under

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the direction and with the assent of the town council of the town in which such highway or street lies; and no such work upon or in any portion of any railroad shall be done until after five days' notice in writing to the superintendent of such railroad of the intention of said corporation to do the same, and specifying in said notice the time when and place where such work will be commenced. Said corporation shall be liable to such towns and railroad corporations for such damages as may result to them respectively in the execution of the powers herein conferred upon said corporation. Said corporation shall have the exclusive right of the water aforesaid, taken by said corporation for the purposes aforesaid, and may maintain an action against any person for using the same without the consent of said corporation.

SEC. 3. Said corporation shall have the power and privilege to take, condemn, hold, use and permanently appropriate any land, water, rights of water and of way for the purposes aforesaid, or for the purposes mentioned in said chapter 285 of the Public Laws.

SEC. 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

SEC. 5. The said corporation may issue bonds, and secure the same by a mortgage on its franchises and other property, to an amount not exceeding one hundred thousand dollars.

SEC. 6. There shall be an annual meeting of said corporation holden in the town of Westerly on such day in each year as the by-laws of said corporation shall direct, for the choice of such officers as they may deem expedient; at all meetings of the corporation not less than a majority of the shares shall constitute a quorum for doing business, and all matters shall be decided by a majority of the votes present, allowing each stockholder, in person or by proxy, one vote for every share by him owned.

SEC. 7. The president and directors shall meet at such times as they shall deem proper, a majority of them to constitute a quorum. They shall have the immediate government and direction of the business and

affairs of the company, shall appoint a treasurer and such other officers as they may deem expedient, who shall give bonds to the corporation with sureties to the satisfaction of the directors, for the faithful performance of their duties. The said president and directors may make contracts, manage and dispose of the property and funds of the corporation, in such manner as they shall deem for the interest of the stockholders; they shall make such dividends of the profits as to them shall appear proper, and the said president and directors, as such, shall receive no compensation, unless by vote of a legal meeting of the stockholders.

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SEC. 8. The stock and shares of each and every stockholder shall be pledged and liable for all debts and demands due and owing from said stockholders to said corporation, whether overdue or due at any day future, and whether the same shall arise from assessments or instalments, or in any other manner; and said shares may be sold for the payment of such debts or demands, in such manner as the by-laws of the corporation may prescribe; and in case the proceeds of such sale shall be insufficient to discharge such debts and demands, with incidental expenses of sale, the corporation may have their action against the debtor for the balance.

SEC. 9. If any person shall wilfully do or cause to be done any act whatever, whereby the works of said corporation or any pipe, conduit, gate, dam, reservoir, hydrant, faucet, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, or shall corrupt the water supply belonging to said corporation the person so offending shall forfeit and pay to said corporation double the amount of damage sustained by means of such offence or injury, to be recovered in action of debt to be brought in the name of said corporation in any court of competent jurisdiction, together with all costs of suit.

SEC. 10. The lands, water and rights taken and acquired for the purposes of this act, and all the property and improvements of every kind and in connection therewith for supplying said town of Westerly with water, and all the rights and powers granted by this

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(continued.)

act may be at any time sold and transferred to and vested in said town of Westerly by said corporation, and thereupon shall be thenceforth fully and absolutely held, used, possessed and enjoyed by said town forever, and shall be conducted, operated, managed and maintained by said town in manner and form as the town council of said town shall by ordinance from time to time provide, and said town is hereby empowered to purchase the same at any time within twenty-five years from the date of the passage of this act by giving notice in writing of its desire to do so one year in advance, and pay for the same and for the subsequent maintenance and support thereof as hereinafter further authorized by the bonds, scrip or finances of said town, as said town council may deem best; provided such purchase shall be first voted on and approved by a majority of the electors of said town qualified to vote on any proposition to impose a tax or for the expenditure of money, voting in a meeting legally called for that purpose. The valuation of said water works and property belonging thereto shall be ascertained, provided said parties hereto cannot agree, as follows: the town council of said town to choose one party, said corporation to choose one party, and the two parties so chosen if they cannot agree shall choose a third, and the three so chosen shall proceed without delay to appraise said water works and property belonging thereto, and they or a majority of them shall fix a fair cash valuation of the same. When said valuation has been fixed or agreed upon as aforesaid, the said town of Westerly shall have the option of buying at said valuation or not, as it may elect. In case the said town shall purchase the said water works and property the said town of Westerly shall assume and perform all unfinished contracts made by said corporation for furnishing water, and shall assume and pay all debts and obligations of said corporation, not to exceed in amount the said purchase money to be paid by said town, and all sums so paid are to be in part discharge of said purchase money or in full, as the case may be. The said town shall pay all the costs of such finding and determining provided said town shall refuse to take said wa-

ter works and property belonging thereto at such valuation.

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(continued.)

SEC. 11. In all proceedings at law or in equity in which this corporation shall be a party, the leaving of an attested copy of any process with the treasurer, or the person acting as such, or at his last and usual place of abode or business, shall be deemed a good and sufficient service thereof.

SEC. 12. Said corporation shall have an office and place of business in said town of Westerly.

SEC. 13. This act shall take effect on and after its passage.

AN ACT TO INCORPORATE THE WOONSOCKET STREET
RAILWAY COMPANY.

Passed May 28,
1886.

It is enacted by the General Assembly as follows :

SECTION 1. Horace A. Jenckes, LeRoy L. Chilson, Francis L. O'Reilly, John W. Ellis, Francello G. Jillson, Willard Kent, LeRoy B. Pease, their associates, successors and assigns, are hereby made a corporation by the name of the "Woonsocket Street Railway Company," with all the powers and privileges, and subject to all the duties, liabilities and restrictions applicable to such a corporation set forth in chapters 152 and 158 of the Public Statutes and the acts in amendment thereof; with power to construct, maintain and use a street railway or railways with convenient single or double tracks and turnouts, upon and over such of the streets of the town of Woonsocket as shall be from time to time fixed and determined by the town council of said town within the limits of said town, with the consent of said corporation in writing expressed and filed with the town clerk of said town; and all tracks of said railroad shall be laid at such distance from the sidewalks in said town, as the town council of said town shall, in their orders fixing the route of said railroad, determine: *Provided*, that this act shall not take effect until the town council of said town of Woon-