

HOUSE No. 271.

Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 8, 1885.

The Committee on Water Supply, to whom was referred the petition of H. K. Keath and others, committee of the town of Kingston, for legislation relative to supplying said town with water; and the remonstrance of Philander Cobb and others, and William S. Adams and others, severally, against the same, report the accompanying Bill.

For the Committee,

JOHN J. WHIPPLE.

Chapter 289

Commonwealth of Massachusetts

In the Year One Thousand Eight Hundred and Eighty-five.

AN ACT

To supply the Town of Kingston with Water.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The town of Kingston may supply
2 itself and its inhabitants with water for the
3 extinguishment of fires and for domestic and
4 other purposes; may establish fountains and
5 hydrants, re-locate or discontinue the same; may
6 regulate the use of such water, and fix and collect
7 rates to be paid for the use of the same.

1 SECT. 2. The said town, for the purposes
2 aforesaid, may take, by purchase or otherwise, and
3 hold the waters of any pond, stream or spring
4 within the limits of said town, and the water
5 rights connected therewith, and also all lands,
6 rights of way and easements necessary for hold-

7 ing and preserving such water, and for conveying
8 the same to any part of said town of Kingston; and
9 may erect on the land thus taken or held proper
10 dams, buildings, fixtures and other structures; and
11 may make excavations, procure and operate ma-
12 chinery, and provide such other means and appli-
13 ances as may be necessary for the establishment
14 and maintenance of complete and effective water
15 works; and may construct and lay down conduits,
16 pipes and other works, under or over any lands,
17 water courses, railroads, or public or private ways,
18 and along any such way, in such manner as not
19 unnecessarily to obstruct the same; and for the
20 purpose of constructing, maintaining and repair-
21 ing such conduits, pipes and other works, and
22 for all proper purposes of this act, said town
23 may dig up any such lands, and, under the di-
24 rection of the board of selectmen of the town
25 in which any such ways are situated, may enter
26 upon and dig up any such ways in such manner
27 as to cause the least hindrance to public travel
28 on such ways.

1 SECT. 3. The said town shall, within sixty
2 days after the taking of any lands, rights of
3 way, water rights, water sources or easements as
4 aforesaid, otherwise than by purchase, file and
5 cause to be recorded, in the registry of deeds
6 for the county within which such lands or
7 other property is situated, a description thereof
8 sufficiently accurate for identification, with a
9 statement of the purpose for which the same

10 were taken, signed by the water commissioners
11 hereinafter provided for.

1 SECT. 4. The said town shall pay all dam-
2 ages sustained by any person or corporation
3 in property by the taking of any land, right of
4 way, water, water source, water right or ease-
5 ment, or by any other thing done by said town
6 under the authority of this act. Any person or
7 corporation sustaining damages as aforesaid
8 under this act, who fails to agree with said town
9 as to the amount of damages sustained, may
10 have the damages assessed and determined in
11 the manner provided by law when land is taken
12 for the laying out of highways, on application
13 at any time within the period of three years
14 from the taking of such land or other prop-
15 erty, or the doing of other injury, under the au-
16 thority of this act; but no such application shall
17 be made after the expiration of said three years.
18 No application for assessment of damages shall
19 be made for the taking of any water, water right,
20 or for any injury thereto, until the water is
21 actually withdrawn or diverted by said town
22 under the authority of this act.

1 SECT. 5. The said town may, for the pur-
2 pose of paying the necessary expenses and
3 liabilities incurred under the provisions of
4 this act, issue, from time to time, bonds, notes
5 or scrip, to an amount not exceeding, in the
6 aggregate, fifty thousand dollars; such bonds,

7 notes and scrip shall bear on their face the
8 words "Kingston Water Loan;" shall be pay-
9 able at the expiration of periods not exceed-
10 ing thirty years from the date of issue; shall bear
11 interest payable semi-annually, at a rate not ex-
12 ceeding six per centum per annum, and shall be
13 signed by the treasurer of the town, and be coun-
14 tersigned by the water commissioners hereinafter
15 provided for. The said town may sell such
16 securities at public or private sale, or pledge
17 the same for money borrowed for the purposes
18 of this act, upon such terms and conditions as it
19 may deem proper. The said town shall provide,
20 at the time of contracting said loan, for the estab-
21 lishment of a sinking fund, and shall annually
22 contribute to such fund a sum sufficient, with the
23 accumulations thereof, to pay the principal of
24 said loan at maturity. The said sinking fund
25 shall remain inviolate and pledged to the pay-
26 ment of said loan, and shall be used for no other
27 purpose.

1 SECT. 6. The said town, instead of estab-
2 lishing a sinking fund, may, at the time of author-
3 izing said loan, provide for the payment thereof
4 in such annual proportionate payments as will
5 extinguish the same within the time prescribed
6 in this act; and when such vote has been passed,
7 the amount required thereby shall, without fur-
8 ther vote, be assessed by the assessors of said
9 town in each year thereafter until the debt incur-
10 red by said loan shall be extinguished, in the

11 same manner as other taxes are assessed under
12 the provisions of section thirty-four of chapter
13 eleven of the Public Statutes.

1 SECT. 7. The return required by section
2 ninety-one of chapter eleven of the Public Stat-
3 utes shall state the amount of any sinking fund
4 established under this act, and if none is estab-
5 lished, whether action has been taken in accord-
6 ance with the provisions of the preceding section,
7 and the amounts raised and applied thereunder
8 for the current year.

1 SECT. 8. The said town shall raise annually,
2 by taxation, a sum which, with the income de-
3 rived from the water rates, will be sufficient to
4 pay the current annual expenses of operating its
5 water works, and the interest as it accrues on
6 the bonds, notes and scrip issued as aforesaid by
7 said town, and to make such contributions to the
8 sinking fund and payments on the principal as
9 may be required under the provisions of this act.

1 SECT. 9. Nothing herein contained shall be
2 construed to authorize the said town to take,
3 otherwise than by purchase, or interfere with any
4 of the estate, property, rights or privileges of the
5 Kingston Aqueduct Association, located in said
6 town.

7 The said town may purchase the franchise,
8 corporate property and all the rights and privi-
9 leges of said corporation, at a price to be mu-

10 tually agreed upon between said town and said
11 corporation; and the said corporation is author-
12 ized to make sale of the same to said town, and
13 by such purchase said town shall become subject
14 to all the liabilities and obligations to said cor-
15 poration appertaining.

1 SECT. 10. Whoever wilfully or wantonly cor-
2 rupts, pollutes or diverts any of the waters taken
3 or held under this act, or injures any structure,
4 work or other property owned, held or used
5 by said town under the authority and for the
6 purposes of this act, shall forfeit and pay to
7 said town three times the amount of damages
8 assessed therefor, to be recovered in an action of
9 tort; and upon conviction of either of the above
10 wilful or wanton acts shall be punished by a fine
11 not exceeding three hundred dollars, or by im-
12 prisonment not exceeding one year.

1 SECT. 11. The said town shall, after its ac-
2 ceptance of this act, at a legal meeting called for
3 the purpose, elect by ballot three persons to hold
4 office, one until the expiration of three years, one
5 until the expiration of two years, and one until
6 the expiration of one year from the next succeed-
7 ing annual town meeting, to constitute a board of
8 water commissioners; and at each annual town
9 meeting thereafter one such commissioner shall
10 be elected by ballot for the term of three years.
11 All the authority granted to the said town by this
12 act, and not otherwise specifically provided for,

13 shall be vested in said board of water commis-
14 sioners, who shall be subject, however, to such
15 instructions, rules and regulations as said town
16 may impose. by its vote; the said commissioners
17 shall be trustees of the sinking fund herein pro-
18 vided for, and a majority of said commissioners
19 shall constitute a quorum for the transaction of
20 business relative both to the water works and to
21 the sinking fund. Any vacancy occurring in
22 said board from any cause may be filled for the
23 remainder of the unexpired term by said town at
24 any legal town meeting called for the purpose.

1 SECT. 12. This act shall take effect upon its
2 acceptance by a two-thirds vote of the voters of
3 said town, present and voting thereon at a legal
4 town meeting called for the purpose, within one
5 year from its passage; but the number of meet-
6 ings so called in said year shall not exceed three.

*at such meetings the votes
shall be taken by written or
printed ballots. and the
polls shall be kept open for
at least four hours. At
such meetings the election
shall preside and in recei-
-ving such ballots the check
list shall be used in the
same manner as it is
used at elections of national
state and county officers*

Approved May 15, 1885