

under the provisions of sections thirty-eight, thirty-nine and forty of chapter thirteen of the Public Statutes: *provided, however,* that the apportionment provided by said section forty shall be made upon the number of telephones in use by it, or under its authority or with its permission, or under any letters patent owned or controlled by it within and without this Commonwealth, respectively; and the returns to be made under said chapter thirteen shall state the facts required for such apportionment in such form as the tax commissioner may require and determine.

Proviso.  
To be taxed for present year.

SECTION 2. This act shall take effect upon its passage; and a tax shall be laid and collected under the provisions thereof for the present year, in the same manner and to the same effect as if it had been in force on the first day of May.

*Approved May 15, 1885.*

### Chap. 239

#### AN ACT TO SUPPLY THE TOWN OF KINGSTON WITH WATER.

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

Town of Kingston may supply itself with water.

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

May take waters within town limits.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of any pond, stream or spring within the limits of said town, and the water rights connected therewith, 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 of Kingston; 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 way, in such 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 town may dig up

May dig up land, etc.

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 town 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 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 water commissioners hereinafter provided for.

To cause to be recorded in registry of deeds a description of land, etc., taken.

SECTION 4. The said town 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 town under the authority of this act. 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. 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 town under the authority of this act.

Liability for damages.

Application for damages not to be made until water is actually taken.

SECTION 5. 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 fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Kingston 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 be countersigned by the water commissioners hereinafter provided for. The said town

Kingston Water Loan not to exceed \$50,000.

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

Sinking fund to be provided.

May make annual proportionate payments.

SECTION 6. 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.

Amount of sinking fund to be stated in return.

SECTION 7. 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 8. 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.

Rights of Kingston Aqueduct Association not to be interfered with.

SECTION 9. Nothing herein contained shall be construed to authorize the said town to take, otherwise than by purchase, or interfere with, any of the estate, property, rights or privileges of the Kingston Aqueduct Association, located in said town. The said town may purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price to be mutually agreed upon between said town and said corporation;

and the said corporation is authorized to make sale of the same to said town, and by such purchase said town shall become subject to all the liabilities and obligations to said corporation appertaining.

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 polluting water or injuring property.

SECTION 11. The said town shall, after its 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, 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.

Water commissioners to be elected.

To be trustees of sinking fund.

Vacancies.

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 one year from its passage; but the number of meetings 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 selectmen shall

Subject to acceptance by two-thirds vote within one year.

preside, and in receiving said 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.*

**Chap.240** AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS FOR MAKING, SELLING AND DISTRIBUTING GAS FOR HEATING, COOKING, CHEMICAL AND MECHANICAL PURPOSES.

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

Corporations for making gas for heating and mechanical purposes.

SECTION 1. The provisions of sections eleven, fifty-two and seventy-five of chapter one hundred and six of the Public Statutes are hereby extended so as to authorize the establishment and operation of corporations for the purpose of making, selling and distributing gas for heating, cooking, chemical and mechanical purposes. Said corporations shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to gas light companies: *provided, however*, that sections thirteen and fourteen of chapter sixty-one of the Public Statutes shall not apply to gas made and used exclusively for heating, cooking, chemical and mechanical purposes.

Proviso.

Gas used for domestic purposes to have flue connected with the open air.

SECTION 2. Such gas shall not be used for domestic purposes unless connected with a chimney or flue having direct connection with the open air: *provided, however*, that nothing in this section shall be construed to apply to illuminating gas as defined by the provisions of section fourteen, chapter sixty-one of the Public Statutes. Any violation of this section shall be punished by a fine not exceeding twenty dollars for each and every offence.

Penalty.

SECTION 3. This act shall take effect upon its passage.

*Approved May 15, 1885.*

**Chap.241** AN ACT RELATING TO FOREIGN FIDELITY INSURANCE COMPANIES.

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

Foreign fidelity insurance companies.

SECTION 1. Foreign corporations organized for the purpose of guaranteeing the fidelity of persons and of acting as surety on bonds, when duly admitted to do business in this Commonwealth, may transact such business, act and be accepted as surety, in the same manner, to the same extent and under the same conditions as