

1937

Report of Cyrus V. and Ada B. W. Bacon Scholarship Fund

Amount of Legacy \$5,000 00

Invested as follows:

Deposit Hingham Institution for Savings
Bank Book No. 36454 \$5,000 00

Report of Amasa J. Whiting Fund

Amount of Legacy \$2,356 15

Invested as follows— Market Value

\$2,000.00 Southern California Edison
Co., Refunding Gold Bond
due July 1960 2,090 00

Deposit Hingham Institution for
Savings, Bank Book No. 32324 356 15

\$2,446 15

Respectfully Submitted,

WILLIAM W. LUNT,
Treasurer.

REPORT OF THE COMMITTEE ON
WATER SUPPLY

To the Citizens of Hingham:

The Committee appointed to consider all matters relative to the Water Supply of the Town of Hingham, respectfully submit their report.

WATER SUPPLY

An adequate supply of water has been maintained for all uses, and no complaints have been received on account of an insufficient supply.

From several sections of the town complaints have been received concerning the color and taste of the water. Tests made by the State Department of Health at frequent intervals have shown the need of some form of purification to overcome this condition, and during the year under this department's supervision methods have been adopted which in a large measure have eliminated this trouble.

AMENDMENT TO HINGHAM WATER COMPANY CHARTER

Early in 1937 a bill was prepared on behalf of the Town seeking to amend Chapter 139, Acts of 1879, entitled, "An Act To Incorporate The Hingham Water Company".

By this amendment the Town would have a better and clearer understanding of its rights under the Charter and the probable cost to the Town if it is ultimately determined to acquire the property.

The proposed amended act reads as follows:

SENATE NO. 103

An Act Amending The Charter Of The Hingham Water Company.

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

Section 1. Chapter one hundred and thirty-nine of the acts of eighteen hundred and seventy-nine, as amended by subsequent statutes, is hereby further amended by striking out section eleven and inserting in place thereof the following:

Section 11. The town of Hingham shall have the right at any time during the continuance of the charter hereby granted, to take by purchase the franchise and corporate property then owned by the corporation, together with the rights and privileges of said corporation, at the cost of the same, plus all actual loss or damage paid or suffered in any year by said corporation for injury to person or property, deducting from the actual costs thus determined of the property at the close of each year the dividends paid in such year. Upon such adjusted balances, the town acquiring said property under this act shall pay interest at the rate of five per centum in determining the total amount to be paid to said corporation therefor. The said town on acquiring, as herein provided, the property of said corporation, shall assume the bonded indebtedness of said corporation, the town taking over any sinking fund established by said corporation to retire said bonds, and the amount of bonds outstanding at the date of acquiring of said property less sinking fund taken over, shall be deducted from the amount required to be paid to said corporation under the provisions of this section. Notwithstanding the foregoing provisions of this

section, said corporation is hereby given full power and authority to sell its corporate property and all its franchise, rights and privileges to the town at a price mutually agreed upon by the town and said corporation, and the town is hereby given full power and authority to purchase at said price. The authority to acquire or purchase said franchise and property under any of the foregoing provisions is granted on condition that the acquisition or purchase is assented to by two-thirds vote of the voters present and voting thereon at any annual meeting or a legal meeting called for that purpose.

In case said town and said corporation are unable to agree upon the computation of the purchase price under the provisions of this section, then upon a suit in equity by said town or said corporation, the supreme judicial court for Suffolk County shall ascertain, compute and fix such purchase price in accordance with the foregoing provisions and enforce the right of said town to take possession of the franchise, corporate property, rights and privileges of the corporation upon the payment of such purchase price to the corporation.

Section 2. Said Chapter one hundred and thirty-nine is hereby further amended by adding a new section, as follows:

Section 15. The town of Hingham acquiring the franchise, property, rights and privileges of said corporation, as provided herein, is hereby granted all the rights and powers which the said corporation now has to supply the towns of Hull, Cohasset and Norwell and their inhabitants with water."

This bill was approved by the Legislative Committee on Rules and by the Committee on Water Supply, was passed by both branches of the Legislature and submitted to the Governor for his signature. Although there was little opposition to the passage of this bill, the question of its constitutionality was raised by its opponents.

For this reason the Governor's office sought an opinion from the Attorney General of the Commonwealth as to its constitutionality. The opinion of that Official was rendered on the day the Legislature was to prorogue and it is our understanding that in his opinion to the Governor the Attorney General took the position that he could not say that the bill was not constitutional,

Under these circumstances and in view of the doubt existing at the time as to whether the Governor would approve the measure, Legislative counsel employed by the Town, after consultation with the Water Committee, deemed it prudent to withdraw the bill with a view to submitting it to the 1938 Legislature and through that body seek an opinion from the Supreme Court on its constitutionality.

At the request of Senator Holmes the bill was taken from the Senate Files in January of this year and referred to the Legislative Committee on Water Supply.

A hearing before that committee was held at the State House on January 18th, at which time a request was made that the bill be submitted by the Legislature to the Supreme Court for an opinion.

It is expected that the Legislature will seek such an opinion and that the important questions involved will be determined by that tribunal.

WILLIAM L. HOWARD,
DANIEL A. SHEA,
ARTHUR C. WISE,
WILLIAM J. LEIGH,
WILLIAM H. SEAVER,
Committee on Water Supply
Town of Hingham.

REPORT OF THE COMMITTEE HAVING CHARGE OF THE INCOME OF THE HANNAH LINCOLN WHITING FUND

To the Honorable Board of Selectmen of the Town of Hingham:
Gentlemen:

We submit our annual report of Income of the Hannah Lincoln Whiting Fund.

January 1, 1937.

Cash on deposit, Hingham Trust Co.	\$574.33
Cash received from Town Treasurer	517.63
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	\$1,091.96