

To accompany the petition of Francis J. Carreiro and others, board of selectmen of the town of Somerset, and the board of water commissioners for legislation to authorize said town to acquire waters and other property for the purpose of increasing its water supply (filed by the Secretary of the Commonwealth under the provisions of section 5 of chapter 3 of the General Laws, as most recently amended by chapter 31 of the acts of 1956). Water Supply.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT TO AUTHORIZE THE TOWN OF SOMERSET TO ACQUIRE  
WATERS AND OTHER PROPERTY FOR THE PURPOSE OF INCREASING  
ITS WATER SUPPLY.

*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 Somerset, for the purpose of  
2 increasing its water supply, is hereby authorized to take by  
3 eminent domain under chapter seventy-nine of the General  
4 Laws, or acquire by purchase or otherwise, and hold, divert  
5 and convey to and through said town the waters of the area  
6 within the watershed of Rattlesnake brook (Mill brook) in the  
7 city of Fall River and within the following defined area within  
8 the town of Freetown:— commencing at the intersection  
9 of the line between the city of Fall River and the town of  
10 Freetown at the Somerset town line in the Taunton river,  
11 and running easterly by the line between the city of Fall  
12 River and the town of Freetown a distance of about 2.7 miles  
13 to Bell Rock road; thence northerly by Bell Rock road to  
14 a point about 1.5 miles distant from the Freetown-Fall River  
15 line; thence westerly by a line 1.5 miles distant from and paral-  
16 lel with the Fall River-Freetown line to the Berkley town line  
17 in the Assonet river; thence southerly by the town line

18 between Berkley and Freetown to the Somerset town line in  
19 the Taunton river; thence by the town line between the town  
20 of Somerset and the town of Freetown in the Taunton river  
21 to the point of beginning; and to take by eminent domain  
22 under chapter seventy-nine of the General Laws, or acquire  
23 by purchase or otherwise, such land as may be necessary  
24 for the purpose of flowage, and such land around the margin  
25 of said sites, when said margin is established by the erection  
26 of dams and flowage as may be necessary for the preservation  
27 and purity of said waters; provided, however, that if it shall  
28 be necessary to take any land within the limits of any highway  
29 or town way in the city of Fall River and the town of Free-  
30 town, then all damages, costs and expense resulting from the  
31 discontinuing of any part of such highway or town way, or  
32 from the relocation or reconstruction thereof, under legal  
33 proceedings or otherwise, shall be assessed upon and paid by  
34 said town of Somerset; and to take by eminent domain under  
35 chapter seventy-nine of the General Laws, or acquire by pur-  
36 chase or otherwise, and hold in like manner, such lands,  
37 easements, waters and water rights as may be necessary for  
38 erecting and maintaining dams, reservoirs, filter plants,  
39 pumping stations, poles, wires, wells, access roads, and for  
40 laying and maintaining conduits, pipes and drains, and for  
41 draining swamps, and constructing other works for collecting,  
42 storing, conducting and purifying water, and for conveying  
43 water to and distributing water in the town of Somerset, and  
44 for locating or relocating any highways or town ways which  
45 may be necessary to effectuate the purposes of this act.

1 SECTION 2. The town of Somerset may, for the purposes  
2 set forth in section one, erect and maintain dams, reservoirs,  
3 filter plants, pumping stations, poles, wires, wells, access  
4 roads, and lay and maintain conduits, pipes and drains, and  
5 drain swamps, and construct other works for collecting,  
6 storing, conducting and purifying water in the Freetown-  
7 Fall River state forest in a manner satisfactory to the state  
8 department of public health.

1 SECTION 3. Section one of chapter three hundred and two  
2 of the Special Acts of nineteen hundred and sixteen is hereby

3 amended by striking out, in lines six and seven, the words  
4 "or of the watershed of Mill brook in the town of Freetown"  
5 and inserting in place thereof the words:— except the waters  
6 of the area in the watershed of Mill brook (Rattlesnake  
7 brook).

1 SECTION 4. That portion of section one of chapter four  
2 hundred and sixty-one of the acts of nineteen hundred and  
3 thirty-eight, authorizing the city of Fall River to acquire  
4 land, to protect, conserve and extend its water supply system,  
5 pertaining to the town of Freetown, is hereby repealed.

1 SECTION 5. Said town shall have the right to enter upon  
2 any lands for the purpose of making surveys, test pits and  
3 borings, and may take or otherwise acquire the right tem-  
4 porarily to occupy any lands necessary for the construction  
5 of any works, or for any other purposes, authorized by this  
6 act.

1 SECTION 6. Said town is authorized to lay and maintain  
2 all the necessary and proper aqueducts, pipes, drains and  
3 wires over or under any watercourse, street, railroad, railway,  
4 highway, or other way, in such manner as not unnecessarily  
5 to impede travel thereon, and may enter upon and dig up  
6 any such road, street or way for the purposes of laying aque-  
7 ducts, pipes or wires beneath the surface thereof, and for  
8 maintaining and replacing the same, but always in such  
9 manner as not to render the roads, streets and ways unneces-  
10 sarily unsafe or inconvenient for public travel. Said town  
11 is further authorized to change the elevation of, and to re-  
12 locate, at its own expense, any road, street or way in order  
13 to carry out the purposes of this act; and such change in  
14 elevation and relocation shall, in the case of the town of  
15 Freetown, be subject to the approval of the board of select-  
16 men of said town, and, in the case of the city of Fall River, be  
17 subject to the approval of the mayor and the city council, in  
18 accordance with the provisions of its charter.

1 SECTION 7. Said town shall not enter upon, construct or  
2 lay any conduits, pipes or other works within the location of

3 any railroad corporation, except at such time and in such  
4 manner as it may agree upon with such corporation or, in  
5 case of failure so to agree, as may be approved by the depart-  
6 ment of public utilities.

1 SECTION 8. The said town shall pay all damages to property  
2 sustained by any person or corporation by anything done by  
3 the town under authority of this act, and any person or  
4 corporation, whether within or without the commonwealth,  
5 entitled to damages as aforesaid, and failing to agree with  
6 the town as to the amount thereof, may, within two years  
7 after the date of taking or other injury, file in the office of the  
8 clerk of the superior court for the county in which the property  
9 damaged or taken is situated a petition for a jury to assess the  
10 damages. Owners of property situated without the common-  
11 wealth which is damaged by anything done by the town under  
12 authority of this act may file their petitions for damages in  
13 the office of the clerk of the superior court for the county of  
14 Bristol. No assessment of damages shall be made for the  
15 taking of any water, water right or injury thereto, and the  
16 said two years shall not begin to run until the water is actually  
17 withdrawn or diverted by said town under the authority of  
18 this act.

1 SECTION 9. In determining the damages caused by any  
2 change of grade, discontinuance or relocation of any public  
3 way or injury to any property by the construction or main-  
4 tenance of any reservoir or pond, there shall be taken into  
5 account any benefit to the property of the owner asserting  
6 an injury received from anything done under authority of this  
7 act. Interest upon the damages awarded shall be computed  
8 at a rate of not more than five per cent per annum from the  
9 date when the property is taken or damaged or the water  
10 withdrawn or diverted, as aforesaid. And the town of Somer-  
11 set is hereby authorized in all such cases to deposit with the  
12 clerk of courts such sum as it may determine shall be fair  
13 compensation to the injured party, and if such party shall not  
14 recover a larger sum than is so deposited he shall not recover  
15 any costs, but the town shall be entitled to recover costs in  
16 such a proceeding.

1 SECTION 10. Said town may, for the purpose of paying  
2 the necessary expenses and liabilities incurred under the  
3 provisions of this act, and for the purpose of erecting and  
4 maintaining dams, reservoirs, filter plants, pumping stations,  
5 poles, wires, wells, access roads, and for laying and main-  
6 taining conduits, pipes and drains, and for draining swamps,  
7 and constructing other works for collecting, storing, con-  
8 ducting and purifying water, and for conveying water to and  
9 distributing water in the town of Somerset, and for locating  
10 or relocating any highways or town ways which may be  
11 necessary, and for acquiring such lands as may be necessary,  
12 borrow from time to time, within five years from the passage  
13 of this act, such sums as may be necessary, not exceeding, in  
14 the aggregate, one and one half million dollars and may issue  
15 bonds or notes therefor, which shall bear on their face the  
16 words: Somerset Water Loan, Act of 1957. Each authorized  
17 issue shall constitute a separate loan, and such loans shall be  
18 paid in not more than thirty years from their dates. Indebt-  
19 edness incurred under this act shall be in excess of the statu-  
20 tory limit, but shall, except as herein provided, be subject to  
21 chapter forty-four of the General Laws.

1 SECTION 11. Notwithstanding any provision of law to  
2 the contrary, property held by the town of Somerset in the  
3 town of Freetown and the city of Fall River for water supply  
4 purposes as authorized by this act, shall not be liable to  
5 taxation therein, but the town of Somerset shall, annually  
6 on July first, pay to the town or city where the property  
7 lies an amount equal to that which such town or city would  
8 receive for taxes upon the average of the assessed values  
9 of the property for the three years last preceding the acquisi-  
10 tion thereof plus twenty-five per cent of said amount.

1 SECTION 12. No source of water supply and no lands  
2 necessary for preserving the quality of the water shall be  
3 taken without first obtaining the advice and approval of the  
4 state department of public health, and the location of all  
5 dams, reservoirs and wells to be used as sources of water  
6 supply under this act shall be subject to the approval of  
7 said department.

1 SECTION 13. Whoever wilfully or wantonly corrupts, pol-  
2 lutes or diverts any water taken or held under this act, or  
3 injures any structure, work or other property owned, held  
4 or used by said town under authority of this act, shall forfeit  
5 and pay to said town three times the amount of damages  
6 assessed therefor, to be recovered in an action of tort, and  
7 upon conviction of any of the above wilful or wanton acts  
8 shall be punished by fine not exceeding three hundred dollars,  
9 or by imprisonment not exceeding one year.

1 SECTION 14. This act shall take effect upon its passage.

The Constitution of the United States

Article I, Section 2, Clause 3

Electors in each State shall have the Qualifications requisite for Electors in that State.

The Electors in each State shall have the Qualifications requisite for Electors in that State.

Each State shall have Electors in its Number equal to the whole Number of Senators and Representatives to which that State may be entitled, plus such Number of Electors as may be added to the whole Number of Senators and Representatives by the Legislature of that State, provided that the Electors in each State shall have the Qualifications requisite for Electors in that State.

Section 2. The Electors in each State shall have the Qualifications requisite for Electors in that State.

Section 3. The Electors in each State shall have the Qualifications requisite for Electors in that State.

