

HOUSE No. 1019

Bill accompanying the petition of Charles H. Macomber, selectman, and another for legislation to provide that the city of Taunton may supply the inhabitants of the town of Berkley with water for domestic and other purposes. Water Supply. January 26.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

To authorize the City of Taunton to supply the Town of Berkley 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 city of Taunton may supply the
2 inhabitants of the town of Berkley with water for
3 the extinguishment of fires and for domestic and
4 other purposes, and may construct and lay con-
5 duits, pipes and other works, under or over any
6 lands, water courses, railroads, railways and public
7 or private ways, and along any such ways in the
8 town of Berkley in such manner as not unneces-
9 sarily to obstruct the same; and for the purpose
10 of constructing, maintaining and repairing such
11 conduits, pipes and other works, and for all pur-
12 poses of this act the city of Taunton may enter

13 upon and dig up any such lands and ways: *pro-*
14 *vided, however,* that the said city shall not enter
15 upon or dig up any public ways in the town of
16 Berkley, except with the consent of the selectmen
17 thereof; and the city of Taunton shall restore to
18 the satisfaction of the selectmen of the town of
19 Berkley the public ways dug up or otherwise dis-
20 turbed in said town, and shall pay all damages to
21 property sustained by any person or corporation
22 by any act or neglect of the city of Taunton, its
23 agents or employees, in digging up, entering upon
24 or otherwise disturbing any lands, or public or
25 private ways within said town, or by any other
26 thing done by said city under the authority of this
27 act. Any person or corporation sustaining dam-
28 ages as aforesaid under this act, who fails to agree
29 with said city as to the amount thereof, may have
30 them determined in the manner provided by law in
31 the case of land taken for the laying out of high-
32 ways, on making application at any time within two
33 years after the taking of any property or the doing
34 of other injury under the authority of this act; but
35 no such application shall be made after the expira-
36 tion of said two years.

1 SECTION 2. The city of Taunton may distribute
2 water through the town of Berkley or any part
3 thereof, and may regulate the use of such water
4 and fix and collect rates for the use of the same;
5 and the town of Berkley may make such contracts
6 with the city of Taunton for water for extinguish-
7 ing fires and for other purposes as may be agreed
8 upon between said town and the city of Taunton;
9 and the said city may establish and maintain foun-

10 tains and hydrants in the said town and relocate
11 or discontinue the same.

1 SECTION 3. Said town shall raise annually, in the
2 manner provided in the following section, a sum
3 sufficient to pay the city of Taunton such annual
4 sums as shall be stipulated by said city in the con-
5 tract between said city and said town, for hydrant
6 rentals or for water for extinguishing fires and
7 other purposes as provided in section two.

1 SECTION 4. The assessors of said town shall an-
2 nually, in accordance with the preceding section,
3 assess a separate tax equal to the amount provided
4 for in the above section, justly and equitably, in
5 proportion to the particular benefits to each estate,
6 upon all taxable property contained within zones or
7 belts extending one thousand feet on each side from
8 the center of any public, private or other way in
9 which pipes or other structures for the conveyance
10 of water have been laid, and are in use under the
11 provisions of this act, so that said zones shall be
12 two thousand feet wide, and in length the said zones
13 shall extend along the said ways respectively to a
14 point five hundred feet beyond the last hydrant or
15 other fixture on any such way from which water
16 can be drawn for extinguishing fires. Any person
17 or corporation aggrieved by reason of the refusal
18 of the assessors to abate a tax levied under this
19 act shall have the same right of appeal to the
20 county commissioners or to the superior court for
21 an abatement as now exists for any town tax. The
22 tax above provided for shall be collected in the
23 same manner in which town taxes are collected.

1 SECTION 5. The town shall have the right at any
2 time after it shall have been authorized to supply
3 itself and its inhabitants with water, and shall have
4 voted so to do, to take or acquire by purchase or
5 otherwise the property and all the rights and priv-
6 ileges of the city within said town on payment to
7 the city of the actual cost of its work and property
8 of all kinds held under the provisions of this act
9 at the time of such purchase or taking. The city
10 shall keep a separate account of the cost and con-
11 struction expenses of its plant within the town,
12 which account shall be open to the selectmen or to
13 any committee appointed for the purpose by the
14 town. In case the town shall have voted to supply
15 with water that portion of the town which is sup-
16 plied by said city it shall purchase said works,
17 property, rights and privileges. If said town can-
18 not agree with said city upon the amount of the
19 actual cost thereof upon the basis hereinbefore
20 specified, then, upon a bill in equity brought either
21 by the city or by the town, the supreme judicial
22 court shall ascertain and fix said total actual cost
23 upon the basis hereinbefore specified, and shall en-
24 force the right of the town to take possession of
25 said property, rights and privileges, upon the pay-
26 ment of such cost to the city, and shall enforce the
27 obligation of the town to purchase said property,
28 rights and privileges and to pay said city the cost
29 thereof as so ascertained.

1 SECTION 6. This act shall take effect upon its
2 passage, but shall become void unless the city of
3 Taunton shall begin to distribute water through its
4 pipes to consumers in the town of Berkley within
5 three years after the passage of this act.