

HOUSE No. 1216

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 13, 1928.

The committee on Water Supply, to whom was referred the petition (accompanied by bill, House, No. 344) of John Derham that the town of Uxbridge be authorized to supply water to certain inhabitants of the town of Northbridge, report the accompanying bill (House, No. 1216).

For the committee,

SVEN A. ERICKSON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act to authorize Whitin Brothers, Inc., to supply the Village of Linwood in the Town of Northbridge with Water for the Extinguishment of Fires and for Domestic and Other Purposes.

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. Whitin Brothers, Inc., a corporation
2 having a usual place of business in the town of North-
3 bridge, is hereby authorized to supply water for the
4 extinguishment of fires and for domestic and other
5 purposes to the inhabitants of the village of Linwood
6 in said town.

1 SECTION 2. For the purposes aforesaid the said
2 Whitin Brothers, Inc., may contract with the town of
3 Uxbridge to supply said water, and the town of Ux-
4 bridge is hereby authorized to make any such con-
5 tract, but such contract shall be for a price not less
6 than the cost to said town of Uxbridge; and said
7 Whitin Brothers, Inc., may construct and lay conduits,
8 pipes and other works under or over any lands, water
9 courses, railroads, railways and public or private ways,
10 and along such ways in said village, and for the pur-
11 pose of constructing, maintaining and repairing such

12 conduits, pipes or other works, and for all proper pur-
13 poses of this act, may enter upon and dig up such lands
14 and ways; provided, however, that the said company
15 shall not enter upon or dig up any private land or
16 private way except with the consent of the owner or
17 owners thereof, or any public way in the town of
18 Northbridge, except with the consent of the select-
19 men thereof; and said company shall restore to the
20 satisfaction of the selectmen of said town the public
21 ways dug up or otherwise disturbed therein, and shall
22 pay all damages sustained by any person in conse-
23 quence of any act or neglect upon the part of said
24 corporation, its agents or employees, in digging up or
25 otherwise disturbing any lands or public or private
26 ways under authority hereof.

1 SECTION 3. The said Whitin Brothers, Inc., may
2 distribute water throughout the village aforesaid or
3 any part thereof, may regulate the use of such water
4 and fix and collect rates therefor; provided, that no
5 source of water supply shall be used for domestic
6 purposes without first obtaining the advice and ap-
7 proval of the department of public health and the
8 town of Northbridge, or any fire district now or
9 hereafter established in that part of the territory
10 thereof included in said village, or any individual or
11 corporation in said village, may make such contracts
12 with the said corporation for the use of water for the
13 extinguishment of fires and for other purposes as may
14 be agreed upon between such town, fire district, indi-
15 vidual or corporation and the said corporation, and
16 said corporation may establish and maintain fountains
17 and hydrants within said village and may relocate or
18 discontinue the same.

1 SECTION 4. Nothing contained in this act shall be
2 so construed as to prevent or hinder the town of
3 Northbridge, or any fire or water district now or
4 hereafter established in that part of the territory
5 thereof included in said village, from establishing in
6 said village a system of water supply or from obtain-
7 ing a supply of water for the use of the inhabitants
8 thereof.

1 SECTION 5. The said town of Northbridge shall
2 have the right at any time to purchase the franchise
3 given by this act to the said Whitin Brothers, Inc.,
4 and its pipes, conduits, hydrants and works con-
5 structed in accordance with this act at a price which
6 may be mutually agreed upon. The said Whitin
7 Brothers, Inc., is hereby authorized to sell the said
8 property to the said town; and if the said town and
9 the said corporation are unable to agree, then the
10 compensation to be paid shall be determined by three
11 commissioners, to be appointed by the superior court
12 upon the application by said corporation or town,
13 and notice to the other party, whose award when
14 accepted by the court shall be binding on all the
15 parties.

1 SECTION 6. Nothing herein contained shall be con-
2 strued as giving to said town of Northbridge the right
3 or power to take or compel the said Whitin Brothers,
4 Inc., to sell any water right, franchise, power, privi-
5 lege or property of any nature whatsoever, which the
6 said corporation has prior to the passage of this act.

1 SECTION 7. This act shall take effect upon its
2 passage.