

HOUSE No. 498.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 28, 1891.

The committee on the Judiciary, to whom was referred the petition of the selectmen and water commissioners of Braintree for an act enabling said town to carry out an award, etc., report the accompanying Bill.

For the Committee,

HENRY S. DEWEY.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-one.

AN ACT

Relating to the Water Supply of the Town of Braintree.

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 Braintree is hereby
2 authorized and empowered to issue from time to
3 time bonds, notes or scrip to an amount not ex-
4 ceeding in the aggregate fifty thousand dollars.
5 Said bonds, notes and scrip to be issued in accord-
6 ance with the provisions of sections eleven and
7 twelve of chapter two hundred sixty-nine of the
8 acts of the year eighteen hundred eighty-six, and
9 for the purpose of enabling said town to complete
10 the purchase of the water works of the Braintree
11 water supply company as therein provided for; to
12 settle any liabilities resulting therefrom or con-
13 nected therewith and for making such additions to
14 said works as may be deemed expedient to be made,
15 and to be in addition to the several amounts of

16 bonds, notes or scrip authorized to be issued by said
17 town by said chapter two hundred sixty-nine and
18 by chapter two hundred seventeen of the acts of
19 the year eighteen hundred eighty-five.

1 SECT. 2. The said town of Braintree is hereby
2 authorized and empowered to use, appropriate
3 and apply any money received by it from the pro-
4 ceeds of the sale of bonds, notes or scrip hereto-
5 fore issued by it under the provisions of said
6 chapter two hundred seventeen to the payment of
7 any liability incurred under said last named act,
8 and any costs or expenses connected with or
9 growing out of such liability as well as to the
10 payment of any liability, costs and expenses in-
11 curred under the provisions of said chapter two
12 hundred sixty-nine and for such extension of its
13 water works as it may find necessary or expedient.
14 Any appropriations of said money heretofore
15 made by said town not inconsistent with the pro-
16 visions of this act are hereby ratified and con-
17 firmed.

1 SECT. 3. The said town of Braintree is hereby
2 authorized and empowered to take conveyances
3 of certain lands, rights and easements on, upon
4 and over certain other lands lying, and being on
5 the borders of and near to Little Pond, so-called,
6 in said Braintree, and to hold and enjoy the same
7 to its own use and to the use of its assigns; also
8 conveyances or transfers of any and all right in
9 and to the waters of said Little Pond by whomso-

10 ever held as provided by the terms of the award
11 of the commissioners appointed under the provi-
12 sions of said chapter two hundred sixty-nine.
13 And the said town is further authorized to take,
14 have and hold and use the waters of said Little
15 pond for the extinguishment of fires and for
16 domestic or other purposes.

1 SECT. 4. The town shall pay all damages sus-
2 tained by any person or corporation in property
3 by the taking of any land, right of way, water,
4 water source, water right or easement, or by any
5 other thing done by said town under the authority
6 of this act. Any person or corporation sustain-
7 ing damages as aforesaid under this act, who fails
8 to agree with said town as to the amount of dam-
9 ages sustained, may have the damages assessed
10 and determined in the manner provided by law
11 when land is taken for the laying out of highways,
12 on application at any time within the period of
13 three years from the taking of such land or other
14 property or the doing of other injury under the
15 authority of this act; but no such application
16 shall be made after the expiration of said three
17 years. No application for assessment of damages
18 shall be made for the taking of any water, water
19 right, or for any injury thereto, until the water is
20 actually withdrawn or diverted by said town
21 under the authority of this act.

1 SECT. 5. All the duties, rights, obligations
2 and liabilities conferred on the water commis-

3 sioners of said town of Braintree under the pro-
4 visions of the aforesaid chapters two hundred
5 seventeen and two hundred sixty-nine shall vest
6 in and attach to and be performed by one body,
7 and from and after the passage of this act one of
8 said commissioners shall be elected annually as
9 provided in section fifteen of said chapter two
10 hundred sixty-nine.

1 SECT. 6. This act shall take effect upon its
2 passage.

