

HOUSE No. 995.

[Bill accompanying the petition of William J. Taft for legislation to authorize the temporary taking of water for emergency purposes by cities and towns. Water Supply. Feb. 8.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

To authorize the Temporary Taking of Water for
Emergency Purposes by Cities and Towns.

*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. Cities by their city councils and
2 towns having a system of water supply, by their
3 water commissioners or selectmen, may in cases
4 of emergency and for a period not exceeding six
5 months, take water from any brook, stream, river,
6 lake, pond or reservoir, not already appropriated
7 to uses of municipal water supply, in such quanti-
8 ties as may be necessary to relieve the emergency;
9 but water commissioners or selectmen of towns
10 shall not make any such taking unless previously

11 authorized so to do at some meeting of the in-
12 habitants of the town regularly warned therefor.
13 They may also take such rights to use any land,
14 and for such time, as may be necessary to use
15 such water. Such vote of a city council or of a
16 town meeting shall be conclusive as to the exist-
17 ence of the emergency. No such taking shall be
18 made until the state board of health shall have
19 first approved the water as a suitable source of
20 water supply.

1 SECTION 2. The city councils of cities and
2 the water commissioners or selectmen of towns
3 shall cause to be recorded in the registry of deeds
4 for the county or district in which such water and
5 land are taken, and within thirty days after such
6 taking, a description, sufficiently accurate for
7 identification, with a statement of the purpose and
8 the time for which the same are taken, which
9 statement shall be signed by the mayor of the
10 city or by the chairman of the water commis-
11 sioners or selectmen of the town making the
12 taking, and upon such recording the right to use
13 for the time stated in such taking shall vest in
14 such city or town.

1 SECTION 3. The city councils of cities and the
2 water commissioners or selectmen of towns shall
3 within sixty days after the termination of the
4 exercise of any right taken under the provisions
5 of this act determine and estimate as near as may
6 be the actual damages sustained by any person

7 by the taking of any water and of the right to
8 use any land under this act; but any one ag-
9 grieved by such determination may have such
10 damages assessed by a jury of the superior court
11 in the same manner as is provided by law with
12 respect to damages sustained by the laying out
13 of ways. If upon trial damages are increased
14 beyond the amount determined as aforesaid, the
15 aggrieved party shall recover costs,—otherwise
16 such parties shall pay costs, and costs shall be
17 taxed as in civil cases; but no suit or petition for
18 such damages shall be brought after the expira-
19 tion of two years from the date of the recording
20 of the description and statement as aforesaid.

1 SECTION 4. The powers conferred upon and
2 the duties to be performed by the city councils
3 and mayors of cities under this act shall, within
4 those cities and towns using the metropolitan
5 water supply, be exercised by the metropolitan
6 water board.

