

HOUSE No. 1106.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 4, 1902.

The committee on Water Supply, to whom was referred the petition (with accompanying bill, House, No. 129) of Jairus F. Burt and others, selectmen and water commissioners, for legislation to authorize the town of Easthampton to take water from the north branch of the Manhan river and its tributaries for the purpose of increasing the water supply of said town, report the accompanying bill.

For the Committee,

JOHN E. FISHER.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two.

AN ACT

To authorize the Town of Easthampton to take an Additional Water Supply and to make an Additional Water Loan.

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 Easthampton, for
2 the purpose of establishing a new water supply
3 and of increasing its present water supply, may
4 take, hold and convey into and through the town
5 and through the town of Westhampton and the
6 city of Northampton the waters of Sodden Brook
7 and North Brook, so called, tributaries of the
8 north branch of the Manhan River, so called, in
9 the town of Westhampton, and any tributaries of
10 said brooks, and may also take by purchase or
11 otherwise and hold any rights of way, easements
12 or real estate necessary for laying, constructing
13 and maintaining pipes, aqueducts, water courses,

14 reservoirs, dams, filter galleries and such other
15 works as may be deemed necessary for collecting,
16 purifying, storing, discharging, conducting and
17 distributing said waters or for preserving the
18 purity thereof: *provided, however*, that any lands
19 taken for preserving the said waters or water
20 supply shall not be more than one thousand feet
21 distant from the same; and *provided further*, that
22 water for domestic purposes and lands necessary
23 for preserving the quality of the water shall be
24 taken only with the advice and approval of the
25 state board of health.

1 SECTION 2. The town shall, within sixty days
2 after taking for the purposes of this act any lands,
3 rights of way, water rights, water sources, or
4 easements aforesaid, otherwise than by purchase,
5 file and cause to be recorded in the registry of
6 deeds for the county of Hampshire a description
7 thereof sufficiently accurate for identification, with
8 a statement of the purposes for which the same
9 were taken, which shall be signed by the select-
10 men and countersigned by the board of water
11 commissioners.

1 SECTION 3. The town, for the purposes afore-
2 said, may construct and maintain aqueducts, dams,
3 reservoirs, filter galleries and other proper works;
4 may erect buildings and machinery; may make
5 and establish such public fountains and hydrants
6 as may from time to time be deemed proper, and
7 may change or discontinue the same; may regu-

8 late the use of water and establish the rates to be
9 paid therefor; and may collect the rates by pro-
10 cess of law. The town may also, for the purposes
11 aforesaid, carry any pipe, drain or aqueduct over
12 or under any river, water course, railroad, public
13 or other way, in such manner as not unnecessarily
14 to obstruct the same, and may enter upon and
15 dig up any such way for the purpose of laying
16 down, maintaining or repairing any pipe, drain or
17 aqueduct, and may do any other thing necessary
18 and proper in executing the purposes of this act.

1 SECTION 4. The town shall pay all damages
2 sustained by any person or corporation by the
3 taking of any land, right of way, water, water
4 source, water right or easement, or by any other
5 thing done by the town under authority of this
6 act. Any person or corporation sustaining dam-
7 ages as aforesaid, and failing to agree with the
8 town as to the amount thereof, may have them
9 determined in the manner provided by law in the
10 case of land taken for laying out highways, on
11 application at any time within two years from the
12 taking of the property or the doing of other injury
13 under authority of this act; but no such applica-
14 tion shall be entertained after the expiration of
15 two years from such taking or doing. No appli-
16 cation for assessment of damages shall be made
17 for the taking of any water or water rights, or for
18 any injury thereto, until the water is actually
19 withdrawn or diverted by the town under author-
20 ity of this act.

1 SECTION 5. For the purpose of paying the
2 cost of the property purchased, taken or held by
3 virtue of this act, and also for the purposes men-
4 tioned in chapter two hundred and fifty-two of
5 the acts of the year eighteen hundred and ninety-
6 one, the town of Easthampton may issue notes,
7 bonds or scrip, to be denominated on the face
8 thereof, Easthampton Public Water Supply Loan,
9 to an amount not exceeding one hundred thirty
10 thousand dollars, in addition to the amounts
11 heretofore authorized by law to be issued by the
12 town for the same purpose. Such notes, bonds
13 or scrip shall be issued upon the terms and con-
14 ditions specified in said chapter two hundred and
15 fifty-two, and sections five and six of that chapter
16 shall apply, so far as is practicable, to the loan
17 herein authorized.

1 SECTION 6. Whoever wantonly or maliciously
2 diverts any water taken or held pursuant to the
3 provisions of this act, or corrupts the same, or
4 renders it impure, or destroys or injures any dam,
5 aqueduct, pipe, conduit, hydrant, machinery or
6 other works or property held, owned or used by
7 the town under authority of this act, shall forfeit
8 and pay to the town three times the amount of
9 the damages assessed therefor, to be recovered in
10 an action of tort; and on conviction of any of the
11 wanton or malicious acts aforesaid may also be
12 punished by fine not exceeding three hundred
13 dollars or by imprisonment in the house of cor-
14 rection for a term not exceeding one year.

1 SECTION 7. This act shall take effect upon its
2 acceptance by two-thirds of the voters of the said
3 town present and voting thereon at any legal
4 town meeting called for the purpose within three
5 years from its passage; but the number of such
6 meetings shall not exceed three in any one year.
7 At such meetings the votes shall be taken by
8 written or printed ballots and the polls shall be
9 kept open at least four hours. At such meetings
10 the selectmen shall preside, and in receiving said
11 ballots the check-list shall be used in the same
12 manner as it is used at elections of national, state
13 and county officers.