

HOUSE No. 1036.

[Bill accompanying the petition of J. E. Kavenaugh and others for legislation to authorize the Millers Falls Water Supply District to establish an electric light and power plant. Public Lighting. Feb. 5.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

AN ACT

To authorize the Millers Falls Water Supply District to furnish Electricity for Light and Power.

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 Millers Falls water supply district
2 in the towns of Montague and Erving, in addition to the
3 powers conferred upon it by chapter one hundred and
4 fifty of the acts of the year eighteen hundred and ninety-
5 six, and extended by chapter five hundred of the acts of
6 the year nineteen hundred and two, is hereby authorized
7 to establish an electric plant for the purpose of owning,
8 generating, storing, transmitting and selling electricity
9 for light, heat or power for the use of and distribution
10 among the inhabitants of said district, or for the use of
11 either of said towns or of any corporation, manufacturing
12 or otherwise, doing business either within or without the
13 limits of said district, and within said towns, and subject

14 to all the duties, restrictions and liabilities of towns
15 authorized to manufacture and sell electricity, so far as
16 the same may be applicable to said district, and not in-
17 consistent with the provisions of this act.

1 SECTION 2. Said district may, subject to all general
2 laws relating to the erection, maintenance and operation
3 of lines for the transmission of electric light, heat or
4 power, so far as the same are applicable to said district,
5 construct and operate lines for the transmission of light,
6 heat or power upon and along the highways and public
7 roads of the said towns, but subject to the local laws and
8 regulations of said towns, and for that purpose may
9 erect and maintain upon said highways and public roads
10 such posts and other fixtures as may be necessary to sus-
11 tain the wires and other fixtures of its lines.

1 SECTION 3. Said district for the purposes aforesaid may
2 contract with the Greenfield and Turners Falls Street
3 Railway Company, or with the Millers Falls Company,
4 or with the Millers Falls Paper Company, or with any
5 other corporation or individual properly equipped for the
6 said purposes, to supply and furnish it with electricity
7 for the purposes herein named, on such terms and con-
8 ditions as may be agreed upon by and between the said
9 district and the said companies or individuals so equipped
10 as aforesaid, or either or any of them, and by said con-
11 tract may authorize the said companies or individuals,
12 or either or any of them, to supply and furnish elec-
13 tricity for any and all purposes either public or private
14 to it, the said district, or to any of the inhabitants
15 thereof, or to any and all corporations, manufacturing
16 or otherwise, within the limits of said district, as it now
17 is or may hereafter be constituted, and to that end may,
18 by said contract, authorize the said companies or indi-

19 viduals, or either or any of them, subject to all general
20 laws referred to in section two of this act, to erect and
21 maintain upon any and all highways and public roads
22 referred to in said section, such posts and other fixtures
23 as may be necessary for the purposes of this act.

1 SECTION 4. The board of water commissioners of
2 said district, or such other officers as said district may
3 from time to time determine, subject to such orders,
4 rules and regulations not inconsistent with law as said
5 district may prescribe, shall, so far as is consistent with
6 the provisions of this act, have and exercise all the pow-
7 ers and be subject to all the duties of the officer provided
8 for in section eight of chapter three hundred and seventy
9 of the acts of the year eighteen hundred and ninety-one,
10 and acts in amendment thereof and in addition thereto.

1 SECTION 5. For the purposes of this act said district
2 may use any unoccupied land now owned by it, or may
3 take at a meeting called for that purpose any land within
4 the limits of said district not exceeding two acres and
5 not already appropriated to public uses. The said board
6 shall within sixty days after said taking file in the regis-
7 try of deeds for the county of Franklin such a descrip-
8 tion of the land so taken as is required in a common
9 conveyance and a statement of the purpose for which the
10 land is taken, which description or statement shall be
11 signed by the said board, or a majority thereof, and the
12 title of such land shall vest in the said district from the
13 date of such filing.

1 SECTION 6. Said district shall be liable to pay all
2 damages sustained by any person or corporation in prop-
3 erty either by the taking of any land by the said district
4 as aforesaid, or by the construction of posts, wires or

5 other fixtures that may be necessary for the purposes of
6 this act. Any person or corporation sustaining dam-
7 ages as aforesaid under this act and failing to agree with
8 said district as to the amount of damages may have them
9 assessed and determined in the manner provided where
10 land is taken for highways, by making a written applica-
11 tion therefor within one year after the taking of such
12 land or other property or the doing of other injury under
13 the authority of this act; but no such application shall
14 be made after the expiration of said year.

1 SECTION 7. For the purpose of paying all expenses
2 and liabilities incurred under the provisions of this act
3 said district may issue bonds, notes or certificates of
4 debt from time to time, signed by the treasurer of said
5 district and countersigned by the chairman of said board
6 of water commissioners, to be denominated on the face
7 thereof Millers Falls Water Supply District Electric
8 Loan, to an amount not exceeding fifteen thousand dol-
9 lars in addition to the amount heretofore authorized by
10 law to be issued by said district for water supply pur-
11 poses. Said bonds, notes or certificates of debt shall be
12 issued upon the same terms and conditions and with the
13 same powers as are provided in chapter one hundred and
14 fifty of the acts of the year eighteen hundred and ninety-
15 six for the issue of the Millers Falls water supply dis-
16 trict loan, except that the rate of interest thereon shall
17 not exceed five per centum.

1 SECTION 8. Said district may, subject to the approval
2 of the superior court, pass by-laws imposing penalties
3 not exceeding fifty dollars to protect its plant, control
4 its use, to prevent accidents by electricity generated
5 thereby and govern consumers in the use thereof.

1 SECTION 9. Said district may reconstruct, extend or

2 enlarge its electric plant, but no such reconstruction,
3 extension or enlargement beyond the necessary and
4 ordinary maintenance, repair and replacement thereof,
5 except such increased appliances for the distribution of
6 electricity as may be necessary to furnish the same to
7 new takers, shall be undertaken or made except by a
8 two-thirds vote of the voters of said district present and
9 voting thereon at any legal district meeting called for
10 that purpose.

1 SECTION 10. The price to be charged for electricity
2 to persons and corporations under this act shall be fixed
3 by said district and shall not be changed oftener than
4 once in three months. Any change shall take effect on
5 the first day of a month, and the new price adopted shall,
6 before the change shall take effect, be advertised in some
7 newspaper published in either of said towns. This act
8 is hereby made subject to the provisions contained in
9 sections six and ten of chapter three hundred and seventy
10 of the acts of the year eighteen hundred and ninety-one,
11 and acts in amendment thereof and in addition thereto,
12 so far as the same are consistent with the provisions of
13 this act.

1 SECTION 11. This act shall take effect upon its pas-
2 sage, but shall not become operative until it has been
3 accepted by a vote of two-thirds of the voters present
4 and voting at each of two legal meetings of said district
5 duly called for the purpose, of which meetings the second
6 shall be held at an interval of not less than two nor
7 more than thirteen months after the first. At said meet-
8 ings said vote shall be taken by written or printed ballot
9 and by use of the check list. When such a vote has
10 failed of passage at the second of said meetings as here-
11 inbefore provided, no similar vote shall be passed until
12 after the expiration of two years.

