

HOUSE No. 257.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 12, 1879.

The Committee on Public Health, to whom was referred the petition of E. P. Carpenter and others for the formation of a water district in the Town of Foxborough, report the accompanying Bill.

For the Committee,

ALONZO WARREN.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-nine.

AN ACT

To supply the Village of Foxborough with Pure Water.

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 inhabitants of the village of
2 Foxborough, in the county of Norfolk, liable to taxa-
3 tion in the town of Foxborough, and residing within
4 a radius of half a mile from the centre of the public
5 common in said village, shall constitute a water dis-
6 trict, and are made a body corporate, by the name
7 of "The Foxborough Water Supply District," for the
8 purpose of supplying themselves with pure water for
9 extinguishing fires, and for manufacturing, domestic,
10 and other uses, with power to take and hold property
11 for the purposes mentioned in this act, and to prose-
12 cute and defend in all actions relating to the property
13 and affairs of the district.

1 SECT. 2. Said district, for the purpose aforesaid,
2 is authorized to convey water within its limits, to
3 establish public fountains and hydrants, and regulate
4 or discontinue their use, and to fix and collect rents
5 for the use of such water ; and may take and hold
6 the water, with the water-rights connected therewith,
7 of Governor's Brook, or of any springs, natural ponds,
8 brooks, or other water sources, within the limits of
9 the town of Foxborough, together with all necessary
10 lands for raising, holding, making available, and pre-
11 serving such water, and carrying the same to any
12 and all parts of said district ; and may erect thereon
13 necessary dams, buildings, fixtures, and other struc-
14 tures, and make excavations, and procure and oper-
15 ate machinery therefor, with such other means and
16 appliances as may be necessary for complete and
17 efficient water-works ; and for that purpose may
18 construct and lay down conduits, pipes, and other
19 works, under or over any lands, water-courses, or
20 roads, and along any street, highway, or other way,
21 in such manner as, when completed, not to unneces-
22 sarily obstruct the same ; and for the purpose of con-
23 structing, laying down, maintaining, and repairing
24 such conduits, pipes, and other works, and for all
25 other proper purposes of this act, may dig up, raise,
26 and embank any such lands, highways, or other
27 ways, in such manner as to cause the least hinder-
28 ance to travel thereon : *provided* that, within ninety
29 days after the time of taking any lands, water-
30 sources, or water-rights, as aforesaid, otherwise than
31 by purchase, said district shall file in the registry of
32 deeds for the county of Norfolk an accurate descrip-
33 tion thereof, with a statement of the purpose for

34 which the same is taken, signed by the commission-
35 ers hereinafter named.

1 SECT. 3. The said district shall be liable to pay
2 all damages sustained by any persons or corpora-
3 tions in their property by the taking of any lands,
4 water, water-sources, or water-rights, or by the con-
5 struction of any aqueducts, reservoirs, or other
6 works, for the purposes aforesaid. Any persons or
7 corporations injured in their property under this
8 act, and failing to agree with said district as to the
9 amount of damages, may have them assessed and
10 determined in the same manner as is provided
11 where land is taken for highways, by making a
12 written application therefor within one year after
13 the taking of such land, water-sources, or water-
14 rights, or other injury done as aforesaid under this
15 act, but not thereafter. No assessment for damages
16 shall be made for the taking of any water-rights, or
17 for any injury thereto, until the water is actually
18 withdrawn or diverted by said district under the
19 authority of this act.

1 SECT. 4. For the purposes of paying all neces-
2 sary expenses and liabilities incurred under the
3 provisions of this act, said district may issue bonds,
4 notes, or scrip, from time to time, signed by the
5 clerk and countersigned by the water commission-
6 ers, to be denominated on the face thereof "Fox-
7 borough Water Loan," to an amount not exceeding
8 fifty thousand dollars (\$50,000), payable at periods
9 not exceeding thirty years from the date of issue,

10 with interest payable annually at a rate not
11 exceeding six (6) per cent per annum; and said
12 district may sell said securities at public or private
13 sale, or pledge the same for money borrowed for the
14 purposes of this act, upon such terms and conditions
15 as it may deem proper; and said district shall pay
16 the interest on said loan as it accrues, and shall pro-
17 vide for the payment of the principal at maturity by
18 establishing at the time of contracting said debt a
19 sinking-fund, or from year to year by regular and
20 uniform instalments. In case said district shall de-
21 cide to establish a sinking-fund, it shall contribute
22 thereto annually a sum sufficient with its accumula-
23 tions to pay the principal of said loan at maturity;
24 and said sinking-fund shall remain inviolate and
25 pledged to the payment of said debt, and shall be
26 used for no other purpose. If said district shall de-
27 cide to pay the principal of said loan by instalments,
28 it shall issue coupon bonds, bearing, in addition to
29 the regular rate of interest as provided above,
30 interest at a rate not exceeding three (3) per cen-
31 tum on the principal, which additional interest shall
32 be applied annually and directly to the payment of
33 said loan.

1 SECT. 5. Said district shall raise by taxation an-
2 nually a sum, which, with the income derived from
3 the sale of water, shall be sufficient to pay the cur-
4 rent annual expenses of operating its water-works,
5 and the interest accruing on the bonds issued by said
6 district, together with such payments on the princi-
7 pal as may be required under the provisions of this
8 act.

1 SECT. 6. Said district is further authorized to
2 raise by taxation any sum of money for the purpose
3 of enlarging or extending its water-works and pro-
4 viding necessary additional appliances and fixtures
5 connected therewith, not exceeding two thousand
6 dollars (\$2,000) in any one year, in the same way as
7 money is raised for ordinary town-expenses.

1 SECT. 7. Whenever a tax is duly voted by said
2 district, the clerk shall render a certified copy of the
3 record to the assessors of the town of Foxborough,
4 who shall proceed within thirty days to assess the
5 same in the same manner in all respects as town-
6 taxes are by law required to be assessed. The
7 assessment shall be committed to the town-collector,
8 who shall collect said tax in the same manner as is
9 provided for the collection of school-district taxes,
10 and shall deposit the proceeds thereof with the town-
11 treasurer. Said district may collect interest on taxes
12 when overdue, at a rate not exceeding one per cen-
13 tum per month, in the same manner as interest is
14 authorized to be collected on town-taxes; *provided*
15 said district at the time of voting to raise a tax shall
16 so determine, and shall also fix a time for the pay-
17 ment thereof.

1 SECT. 8. The first meeting of said district shall
2 be called, on petition of seven or more legal voters
3 therein, by a warrant from the selectmen of the
4 town, directed to one of the petitioners, requiring
5 him to give notice of the meeting by posting copies
6 of said warrant in three or more public places in said

7 district seven days at least before the time of said
8 meeting, and by publishing such notice thereof as the
9 warrant may require in "The Foxborough Times"
10 published in said town. One of the selectmen shall
11 preside at the meeting until a clerk is chosen and
12 sworn. After the choice of a moderator for said
13 meeting, the question of the acceptance of this act
14 shall be submitted to the voters; and, if it shall be
15 accepted by a majority of the voters present and
16 voting thereon, it shall go into operation, and the
17 meeting may then proceed to act on the other articles
18 contained in the warrant.

1 SECT. 9. The district shall choose by ballot a
2 board of three water commissioners,—one to serve
3 till the next annual meeting of the district, one for
4 a term one year longer, and the third for a term
5 two years longer than the first; after which first
6 election one member of the said board, as the term
7 expires, shall be elected at the annual meeting to
8 serve for three years. Said commissioners shall
9 have in charge the construction and maintenance of
10 the works herein provided, and may exercise all
11 rights, powers, and privileges for these purposes
12 herein granted, subject to the instructions of the dis-
13 trict, and shall be the trustees of any fund or funds
14 established or accumulated by said district under
15 this act. A majority of said commissioners shall
16 constitute a quorum for the transaction of business
17 relative both to the water-works and to their trustee-
18 ship of any funds belonging to the district. No
19 money shall be drawn from the treasury of the town

20 except by a written order of the commissioners, or a
21 majority of them. Said commissioners shall annu-
22 ally make a full report to the district, in writing, of
23 their doings and expenditures. Vacancies in the
24 board may be filled at a regular meeting of the
25 voters of said district called for the purpose.

1 SECT. 10. Whoever wilfully corrupts, pollutes,
2 or diverts any of the water taken under this act, or
3 injures any dam, reservoir, conduit, pipe, or other
4 property, owned or used by said district, shall forfeit
5 and pay to said district three times the amount of
6 damages assessed therefor, to be recovered in an
7 action of tort, and, upon conviction of either of the
8 above acts, shall be punished by a fine not exceeding
9 one hundred dollars, or by imprisonment in jail not
10 exceeding one year, or by both fine and imprison-
11 ment.

1 SECT. 11. The said district may adopt by-laws
2 prescribing by whom and how meetings may be
3 called and notified; but meetings may also be called
4 on application of seven or more legal voters in said
5 district by warrant from the selectmen on such notice
6 as may be prescribed therein. The district may also
7 provide rules and regulations on other subjects not
8 inconsistent with this act or the laws of the Com-
9 monwealth, and may choose such other officers not
10 provided for in this act as it may deem proper and
11 necessary.

1 SECT. 12. This act shall take effect upon its pas-
2 sage.