

HOUSE No. 952.

[Bill accompanying the petition of Joseph W. Flint. Water Supply.]

Commonwealth of Massachusetts.

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

AN ACT

To supply the Town of Enfield with 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 town of Enfield may supply
2 itself and its inhabitants with water for the ex-
3 tinguishment of fires, for manufacturing, domestic
4 and other purposes; may establish fountains and
5 hydrants, relocate and discontinue the same, and
6 may regulate the use of such water and fix and
7 collect rates to be paid for the use of the same.

1 SECTION 2. The said town, for the purposes
2 aforesaid, and for the purpose of obtaining a sup-
3 ply of water, may take, by purchase or otherwise,

4 and hold the waters and springs on Quabbin hill,
5 so called, in said Enfield, on land owned by Rob-
6 ert M. Woods; the waters in the west branch of
7 Swift river from and above the Pettingill bridge
8 in said Enfield, with the streams and springs
9 tributary thereto in the towns of Enfield, Pres-
10 cott, Pelham and Shutesbury; the brook known
11 as the Thurston brook, running through the lands
12 of Lysander and Jason Thurston in said Enfield;
13 and it may take by purchase or otherwise and
14 hold any water rights connected with said
15 springs, river or brook and any spings and
16 streams tributary thereto, and the waters of any
17 other ponds or water sources within the water-
18 shed of said brooks or tributaries thereof, and
19 also all lands, rights of way and easements
20 necessary for holding and preserving such water
21 and for conveying the same to any part of said
22 town; also all springs and brooks on the Alton
23 S. Randall farm in said Enfield; also all springs
24 and brooks on land owned by Martha Howe of
25 and in said Enfield; also all springs and brooks
26 on the farm known as the Sherer farm; also the
27 waters of any other ponds or water courses
28 within the water sheds of said brooks, ponds,
29 springs and tributaries thereof; and may erect
30 upon the land thus taken or held proper dams,
31 buildings, fixtures and other structures, and may
32 make excavations, procure and operate ma-
33 chinery, and provide such other means and appli-
34 ances as may be necessary for the establishment
35 and maintenance of complete and effective water

36 works; and may construct and lay down con-
37 duits, pipes and other works, under or over any
38 lands, water courses, railroads or public or pri-
39 vate ways, and along any such way, in such man-
40 ner that the same when completed shall not
41 unnecessarily obstruct such way; and for the
42 purpose of constructing, maintaining and repair-
43 ing such conduits, pipes and other works, and for
44 all proper purposes of this act, said town may dig
45 up, raise and embank any such lands or ways in
46 such manner as to cause the least hindrance to
47 public travel on such ways; and may do all acts
48 necessary for the completion of the same.

1 SECTION 3. The said town of Enfield shall
2 within ninety days after the taking of any land,
3 rights of way, water rights, water sources or
4 easements as aforesaid, otherwise than by pur-
5 chase, file and cause to be recorded in the Hamp-
6 shire county registry of deeds (and also in the
7 Franklin county registry of deeds, provided any
8 springs, brooks, water sources, lands, rights of
9 way or easements are taken in the town of Shutes-
10 bury) a description thereof sufficiently accurate
11 for identification, with a statement of the purpose
12 for which the same were taken, signed by the
13 water commissioners hereinafter provided for or
14 by such person or persons as may be authorized
15 to act by the said town of Enfield.

1 SECTION 4. The said town shall pay all dam-
2 ages sustained by any person or corporation in

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

1 SECTION 5. The said town may, for the pur-
2 pose of paying the necessary expenses and liabili-
3 ties incurred under the provision of this act, issue
4 from time to time bonds, notes or scrip, to an
5 amount not exceeding in the aggregate forty
6 thousand dollars; such bonds, notes and scrip
7 shall bear on their face the words Enfield Water
8 Loan, shall be payable at the expiration of periods
9 not exceeding thirty years from the date of issue,
10 shall bear interest payable semi-annually at a rate
11 not exceeding six per centum per annum, and
12 shall be signed by the treasurer of the town and

13 be countersigned by the water commissioners
14 hereinafter provided for. The said town may
15 sell such securities at public or private sale or
16 pledge the same for money borrowed for the pur-
17 poses of this act, and upon such terms and condi-
18 tions as it may deem proper. The said town
19 shall pay the interest on said loan as it accrues,
20 and shall provide at the time of contracting said
21 loan for the establishment of a sinking fund,
22 and shall annually contribute to such fund a sum
23 sufficient with the accumulation thereof to pay
24 the principal of said loan at maturity. The said
25 sinking fund shall remain inviolate and pledged
26 to the payment of said loan and shall be used
27 for no other purpose.

1 SECTION 6. The said town instead of establish-
2 ing a sinking fund may at the time of authorizing
3 said loan provide for the payment thereof in such
4 annual payments as will in the aggregate ex-
5 tinguish the same within the time prescribed in
6 this act; and when such vote has been passed,
7 the amount required shall without further vote
8 be assessed by the assessors in said town in each
9 year thereafter until the debt incurred by said
10 loan shall be extinguished, in the same manner as
11 other taxes are assessed under the provisions of
12 section thirty-four of chapter eleven of the Public
13 Statutes.

1 SECTION 7. The town shall raise annually by
2 taxation a sum which, with the income derived

3 from the water rates, will be sufficient to pay the
4 current annual expenses of operating its water
5 works and the interest as it accrues on the bonds,
6 notes or scrip issued as aforesaid by said town,
7 and to make such contributions to the sinking
8 fund and payments on the principal as may be
9 required under the provisions of this act.

1 SECTION 8. Whoever wilfully or wantonly cor-
2 rupts, pollutes or diverts any of the waters taken
3 or held under this act, or injures any structure,
4 work or other property owned, held or used by
5 said town under the authority and for the pur-
6 poses of this act, shall forfeit and pay to said
7 town three times the amount of damages assessed
8 therefor, to be recovered in an action of tort;
9 and upon conviction of either of the above wilful
10 or wanton acts shall be punished by a fine not
11 exceeding three hundred dollars or by imprison-
12 ment not exceeding one year.

1 SECTION 9. The said town shall, after its ac-
2 ceptance of this act, at a legal meeting held for
3 the purpose, elect by ballot three persons to hold
4 office, one until the expiration of three years, one
5 until the expiration of two years, and one until
6 the expiration of one year from the next succeed-
7 ing annual town meeting, to constitute a board
8 of water commissioners; and at each annual town
9 meeting thereafter one such commissioner shall be
10 elected by ballot for the term of three years. All
11 the authority granted to the town by this act and

12 not otherwise specially provided for shall be
13 vested in said board of water commissioners, who
14 shall be subject, however, to such instructions,
15 rules and regulations as said town may impose by
16 its vote. The said commissioners shall be trus-
17 tees of the sinking fund herein provided for, and
18 a majority of said commissioners shall constitute
19 a quorum for the transaction of business relative
20 both to the water works and the sinking fund.
21 Any vacancy occurring in said board for any
22 cause may be filled for the remainder of the unex-
23 pired term, by said town, at any legal town meet-
24 ing held for the purpose.

1 SECTION 10. This act shall take effect upon its
2 acceptance by a two-thirds vote of the voters of
3 said town present and voting thereon at a legal
4 town meeting held for the purpose within three
5 years from its passage; but the number of meet-
6 ings so called in and one year shall not exceed
7 four.

