

HOUSE No. 908.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 7, 1899.

The committee on Water Supply, to whom was referred the petition (with accompanying bill, House, No. 820) of a committee of the town of Medway for legislation to authorize said town to supply itself with water for fire and domestic purposes, report the accompanying bill.

For the Committee,

GEORGE F. WILLIAMS.

Commonwealth of Massachusetts.

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

AN ACT

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

1 SECTION 2. The said town for the purposes
2 aforesaid may contract with any adjoining town
3 or water company to supply said water, and au-
4 thority is hereby given to any adjoining town or
5 water company to sell to said town water as afore-
6 said, or it may take by purchase or otherwise
7 and hold the water of any stream, or spring,
8 or artesian or driven wells within the limits of
9 said town or upon the borders of the Charles
10 River within the town of Franklin, and the water

11 rights connected with any such water sources,
12 and also all lands, rights of way and easements
13 necessary for holding and preserving such water
14 and for conveying the same to any part of said
15 town of Medway: *provided*, that no source of
16 water supply for domestic purposes or lands nec-
17 essary for preserving the quality of such water
18 shall be taken without first obtaining the advice
19 and approval of the State board of health. The
20 said town may also erect on the land thus taken
21 or held, proper dams, buildings, fixtures and other
22 structures, and may make excavations, procure
23 and operate machinery and provide such other
24 means and appliances as may be necessary for the
25 establishment and maintenance of complete and
26 effective water works, and may construct and lay
27 down conduits, pipes and other works under or on
28 any lands, water courses, railroads or public or
29 private ways and along any such ways, in such
30 manner as not to unnecessarily obstruct the same;
31 and for the purpose of constructing, maintaining
32 and repairing such conduits, pipes and other
33 works, and for all other purposes of this act, said
34 town may dig up any such lands or ways in such
35 manner as to cause the least hindrance to public
36 travel on such ways.

1 SECTION 3. The said town shall within sixty
2 days after the taking of any lands, rights of way,
3 water rights, water sources or easements as afore-
4 said, otherwise than by purchase, file and cause
5 to be recorded in the registry of deeds for the

6 county and district within which such lands or
7 other property is situated a description thereof
8 sufficiently accurate for identification, with a
9 statement of the purpose for which the same were
10 taken, signed by the water commissioners herein-
11 after provided for.

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 by
5 any other thing done by said town under author-
6 ity of this act. Any person or corporation sus-
7 taining damages as aforesaid under this act, who
8 fails to agree with said town as to the amount of
9 damages sustained, may have the damages as-
10 sessed and determined in the manner provided by
11 law when land is taken for the laying out of high-
12 ways, on application at any time within the period
13 of two years from the taking of said land or
14 other property, or the doing of other injury, under
15 the authority of this act; but no such applica-
16 tion shall be made after the expiration of two
17 years; except that no application for assessment
18 of damages shall be made for the taking of any
19 water, water right, or for any injury thereto until
20 the water is actually withdrawn or diverted by
21 said town under the authority of this act.

1 SECTION 5. The said town may, for the pur-
2 poses of paying the necessary expenses and lia-
3 bilities incurred under the provisions of this act,

4 issue from time to time bonds, notes or scrip to
5 an amount not exceeding in the aggregate seventy-
6 five thousand dollars; such bonds, notes and
7 scrip shall bear on their face the words "Med
8 way Water Loan," shall be payable at the ex-
9 piration of periods not exceeding thirty years
10 from the date of issue; shall bear interest pay-
11 able semi-annually at a rate not exceeding six per
12 centum per annum, and shall be signed by the
13 treasurer of the town and be countersigned by
14 the water commissioners hereinafter provided for.
15 The said town may sell such securities at public
16 or private sale, or pledge the same for money
17 borrowed for the purposes of this act, upon such
18 terms and conditions as it may deem proper: *pro-*
19 *vided*, such securities shall not be sold or pledged
20 at less than the par value thereof. The said
21 town, unless it avails itself of the provisions of
22 section six, shall provide at the time of contract-
23 ing said loan for the establishment of a sinking
24 fund, and shall annually contribute to such fund
25 a sum sufficient with the accumulations thereof
26 to pay the principal of said loan at maturity.
27 The said sinking fund shall remain inviolate and
28 pledged to the payment of said loan and shall
29 be used for no other purpose.

1 SECTION 6. The said town, instead of estab-
2 lishing a sinking fund, may at the time of author-
3 izing said loan provide for the payment thereof in
4 such annual proportionate payments as will ex-
5 tinguish the same within the time prescribed in

6 this act; and when such vote has been passed,
7 the amount required thereby shall without further
8 vote be assessed by the assessors of said town in
9 each year thereafter until the debt incurred by
10 said town shall be extinguished in the same man-
11 ner as other taxes are assessed under the pro-
12 visions of section thirty-four of chapter eleven of
13 the Public Statutes.

1 SECTION 7. The return required by section
2 ninety-one of chapter eleven of the Public Statutes
3 shall state the amount of any sinking fund estab-
4 lished under this act, and if none is established
5 whether action has been taken in accordance with
6 the provisions of section six of this act, and shall
7 also state the amount raised and applied there-
8 under for the current year.

1 SECTION 8. The said town shall annually raise
2 by taxation a sum which together with the in-
3 come derived from the water rates will be suffi-
4 cient to pay the current annual expenses of oper-
5 ating its water works, and the interest as it
6 accrues on the bonds, notes and scrip issued as
7 aforesaid by said town, and to enable said town
8 to make such contributions to the sinking fund
9 and payments on the principal as may be required
10 under the provisions of this act.

1 SECTION 9. Whoever wilfully or wantonly
2 corrupts, polluts or diverts any of the water
3 taken or held under this act, or injures any struc-

4 ture, work or other property owned, held or used
5 by said town under the authority and for the pur-
6 poses of this act, shall forfeit and pay to the said
7 town three times the amount of damages assessed
8 therefor, to be recovered in an action of tort, and
9 upon conviction of either of the above wilful or
10 wanton acts shall be punished by a fine not ex-
11 ceeding three hundred dollars or by imprison-
12 ment not exceeding one year.

1 SECTION 10. The said town shall, after its
2 acceptance of this act, at a legal town meeting
3 called for the purpose, elect by ballot three per-
4 sons to hold office, one until the expiration of
5 three years, one until the expiration of two years
6 and one until the expiration of one year from
7 the next succeeding annual town meeting, to
8 constitute a board of water commissioners; and
9 at each annual town meeting thereafter one
10 water commissioner shall be elected by ballot
11 for the term of three years. All the au-
12 thority granted to the said town by this act and
13 not otherwise specifically provided for shall be
14 vested in said board of water commissioners, who
15 shall be subject, however, to such instructions,
16 rules and regulations as said town may impose
17 by its vote. The said commissioners shall be
18 trustees of the sinking fund herein provided for,
19 and a majority of said commissioners shall con-
20 stitute a quorum for the transaction of business
21 relative both to the water works and to the sink-
22 ing fund. Any vacancy occurring in said board

23 from any cause may be filled for the remainder
24 of the unexpired term by said town at any legal
25 town meeting called for the purpose.

1 SECTION 11. This act shall take effect upon
2 its passage, but shall become void unless said
3 town shall by a two-thirds vote of the voters pres-
4 ent and voting thereon at a legal meeting called
5 for the purpose, accept this act and commence
6 work thereunder within three years from the date
7 of its passage.