

HOUSE No. 61.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, February 14, 1878.

The Committee on Water Supply and Drainage, to whom was referred the petition of C. R. Ford and others, citizens of Brockton, for an Act to supply said town with water, and a remonstrance against the same, have considered the same, and report the accompanying Bill.

For the Committee,

ALONZO WARREN.

Commonwealth of Massachusetts.

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

AN ACT

To supply the Town of Brockton 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 SECT. 1. The town of Brockton may, by and
2 through the agency of three commissioners, to be
3 appointed in the manner hereinafter provided, take,
4 hold, and convey, by steam or other power, into and
5 through the said town, by suitable aqueducts or
6 pipes, the water of Salisbury River, so called ; and
7 may take and hold, by purchase or otherwise, any
8 real estate or water-rights necessary for the preser-
9 vation and purity of the same, or for forming any
10 dams or reservoirs to hold the same, and for laying
11 and maintaining aqueducts and pipes for distribut-
12 ing the water so taken and held ; and may lay its
13 water-pipes through any private lands, with the
14 right to enter upon the same, and dig therein, for
15 the purpose of making all necessary repairs ; and,
16 for the purpose aforesaid, may carry its pipes under

17 or over any water-course, street, railroad, highway,
18 or other way, in such manner as not to obstruct the
19 same; and may enter upon and dig up any road or
20 other way for the purpose of laying or repairing its
21 aqueducts, pipes, or other works; and, in a general
22 way, may do any other acts, and things necessary,
23 convenient, or proper, for carrying out the purposes
24 of this act.

1 SECT. 2. Within sixty days after the taking of
2 any of the land aforesaid, said town, through the
3 same agency, shall file, in the registry of deeds for
4 the county in which the land lies, a description
5 thereof, sufficiently accurate for identifying the
6 same. All claims for damages sustained by taking
7 lands, water, or water-rights, or by making aque-
8 ducts, reservoirs, or other works, shall be ascer-
9 tained, determined, and recovered in the manner
10 now provided by law in case of land taken for
11 highways.

1 SECT. 3. For the purpose of defraying the cost
2 of such property, lands, water, and water-rights as
3 are taken, purchased, or held for the purpose afore-
4 said, and of constructing works necessary and
5 proper for the accomplishment of the purposes
6 authorized by this act, and paying all the expenses
7 incident thereto, the said town of Brockton may, by
8 and through the same agency, issue, from time to
9 time, scrip, notes, or certificates of debt, to an
10 amount not exceeding one hundred and twenty
11 thousand dollars, the same to be denominated on its

12 face "Brockton Water Fund Bonds." All such
13 scrip shall bear interest payable annually, and
14 the principal shall be payable at periods not more
15 than twenty-five years from the issuing of said
16 scrip, notes, or certificates, respectively; and the
17 same, or any part thereof, may be sold from time to
18 time at public or private sale, for the purpose afore-
19 said, on such terms and conditions as said commis-
20 sioners may deem proper. Said town is authorized
21 to make appropriations, and assess, from time to
22 time, such amounts as it may from year to year
23 decide, not exceeding in any one year prior to the
24 year in which the bonds mature the sum of ten
25 thousand dollars, towards paying the principal of
26 the money so borrowed, and also a sum sufficient
27 to pay the interest thereon, in the same manner as
28 money is assessed and appropriated for other town
29 purposes.

1 SECT. 4. Three commissioners shall be chosen
2 by the said town by ballot, who shall, during their
3 continuance in office, execute, superintend, and di-
4 rect the performance and execution of all the works,
5 matters, and things mentioned in the preceding
6 sections, that are not specially otherwise provided
7 for in this act; and they shall respectively hold
8 their said offices for the term of three years next
9 after their appointment, unless removed for cause,
10 or the work aforesaid shall sooner be completed.
11 A major part of said commissioners shall be a quo-
12 rum to do business. They shall, once a year, and
13 whenever required by the selectmen of the town,

14 make and present in writing a full and particular
15 statement of all their acts and doings, and of the
16 condition and progress of the work aforesaid. The
17 compensation of said commissioners shall be estab-
18 lished by the town at the meeting at which they
19 shall be respectively elected, and shall not be
20 changed during their continuance in office.

1 SECT. 5. Whenever the office of said commis-
2 sioners shall cease, either by the expiration of their
3 term of office or the completion of the work, all
4 the rights, powers, and authority given to said com-
5 missioners by this act shall then and thenceforth
6 be exercised by the said town, subject to the duties,
7 liabilities, and restrictions herein contained, in such
8 manner, and by such officers and agents, as the said
9 town shall from time to time ordain and direct; and
10 said persons may establish from time to time prices
11 or rents for the supply or use of water.

1 SECT. 6. If any person shall use any of the said
2 water taken under this act without the consent of
3 said town, or shall wantonly or maliciously divert
4 the water, or any part thereof, so taken, or corrupt
5 the same, or render it impure, or destroy or injure
6 any dam, aqueduct, pipe, conduit, hydrant, ma-
7 chinery, or other works or property, held, owned, or
8 used by said town, under the authority of and for
9 the purposes of this act, he shall forfeit and pay to
10 said town three times the amount of damages as-
11 sessed therefor, to be recovered in an action of tort,
12 and, on conviction of either of the wanton or ma-

13 licious acts aforesaid, may be punished by a fine not
14 exceeding three hundred dollars, or by imprisonment
15 in jail not exceeding one year.

1 SECT. 7. The selectmen of the town of Brock-
2 ton shall warn the voters of said town, within three
3 years from the passage of this act, for the purpose
4 of having said voters give in their votes upon the
5 question whether they will accept the same : and if
6 two-thirds of said votes given upon the question
7 shall be in the affirmative, then this act shall be
8 binding ; otherwise it shall be null and void.

1 SECT. 8. This act shall take effect upon its pas-
2 sage.

