

HOUSE No. 313.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 10, 1873.

The Committee on Water Supply and Drainage, to whom was referred the petition of D. H. Smith and others for supplying the village of Attleborough with water, report that the accompanying Bill ought to pass.

Per order,

JOHN H. STUDLEY,
For the Committee.

Commonwealth of Massachusetts.

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

AN ACT

To supply the Village of Attleborough with water for the extinguishment of fires and for other purposes.

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 inhabitants of the village of
2 Attleborough in the county of Bristol, liable to
3 taxation in the town of Attleborough and residing
4 within a radius of half a mile from the centre of
5 the passenger depot of the Boston and Providence
6 Railroad in said village, shall constitute a fire dis-
7 trict, and is hereby made a body corporate by the
8 name of the Attleborough water supply district for
9 the purpose of providing a reservoir of water for
10 the extinguishment of fires, for generating steam
11 and for domestic purposes, and conveying water
12 to different parts of said district, and may estab-
13 lish public fountains and hydrants and regulate
14 their use, and may discontinue the same, and may

15 fix and collect rents for the use of such water; and
16 said district is hereby empowered to purchase a
17 suitable site and to build and maintain a reservoir
18 for the uses aforesaid, in such part of said district
19 as it may determine; and in case said district can-
20 not agree upon a site for said reservoir by a vote
21 of two-thirds of the legal voters of said district,
22 present and voting thereon at a meeting called for
23 the purpose, or cannot agree with the owner of
24 the land upon the price thereof, the selectmen of
25 the town, on the application of the prudential com-
26 mittee or seven or more of the legal voters in said
27 district, are authorized to select the location, not
28 exceeding forty square rods of land, and to deter-
29 mine the damage to be paid to the owner of the
30 land so selected, in the manner provided in sections
31 thirty-eight and thirty-nine of chapter thirty-eight
32 of the General Statutes and subject to the right of
33 appeal as therein provided.

1 SECT. 2. Said district is also empowered to take
2 water from the Ten Mile River within the limits of
3 the district and convey the same to all parts thereof,
4 and may, with the approval of the selectmen of the
5 town, take and hold all land necessary for raising,
6 holding and preserving such water, and may erect
7 thereon proper dams, buildings, fixtures and other
8 structures, and may make excavations and procure
9 and operate any machinery therefor; and may also
10 construct and lay down conduits, pipes and drains
11 under or over any water-course, and under any
12 railroad and under and along any street, highway
13 or other way in said town, in such manner as will
14 do the least damage, and for the purpose of con-

15 structing, laying down, maintaining and repairing
16 such conduits, pipes and drains, and for all other
17 purposes of this act, may dig up any such street,
18 highway or other way; but all things done upon
19 any street, highway or other way shall be subject
20 to the directions of the selectmen of the town, and
21 all things done upon any railroad shall be subject
22 to the direction of the county commissioners for
23 the county of Bristol: *provided*, that within sixty
24 days after the time of taking any land as afore-
25 said, the district shall file in the registry of deeds
26 for the county in which such land lies, a descrip-
27 tion thereof sufficiently accurate for identification,
28 together with a statement of the purposes for
29 which the same is taken.

1 SECT. 3. For the purpose of defraying neces-
2 sary expenses and liabilities incurred in the con-
3 struction and maintenance of said works, said dis-
4 trict is empowered, by a two-thirds vote of its legal
5 voters, present and voting at a meeting called for
6 the purpose, to raise by taxation on the polls and
7 estates of the persons residing within its limits,
8 and of non-resident owners of real estate therein
9 and liable to taxation in said town, any sums of
10 money, not exceeding in the whole amount ten
11 thousand dollars for the first year; and after that
12 sum shall have been raised and expended for the
13 purposes herein provided, said district may there-
14 afterwards raise in the manner heretofore provided
15 in this act, further sums of money, not exceeding
16 one thousand dollars annually, for the purpose of
17 extending and repairing said works.

1 SECT. 4. Whenever a tax is duly voted by said
2 district, the clerk shall certify a copy of the record
3 to the assessors of the town, who shall proceed,
4 within thirty days; to assess the same on the polls
5 and estates of the inhabitants of said district, and
6 on non-resident owners of real estate therein, and
7 on all real estate which any resident holds in the
8 town, the same being under his own actual im-
9 provement.

10 The assessment shall be committed to one of the
11 town collectors, who shall collect said tax in the
12 same manner as is provided for the collection of
13 school district taxes, and shall deposit the pro-
14 ceeds thereof with the town treasurer.

1 SECT. 5. Instead of raising money as provided
2 in section three, said district may issue bonds,
3 signed by the clerk and countersigned by the pru-
4 dential committee of said district, to be denom-
5 inated "The Attleborough Water Supply Bonds,"
6 to an amount not exceeding twenty thousand dol-
7 lars, payable at periods not exceeding fifteen years
8 from the date of this act, with interest payable
9 semi-annually at a rate not exceeding seven per
10 centum per annum; and said district may sell said
11 bonds, at public or private sale, upon such terms
12 and conditions as it may deem proper, and may
13 raise money by taxation in the manner prescribed
14 in section three to pay said bonds and interest
15 thereon, when due; but said district shall not raise
16 more than two thousand five hundred dollars in
17 any one year to pay the principal of said bonds,
18 except the year on which the same may become
19 due.

1 SECT. 6. The first meeting of said district
2 shall be called on petition of seven or more legal
3 voters therein, by a warrant from the selectmen
4 of the town, directed to one of the petitioners, re-
5 quiring him to give notice of the meeting by post-
6 ing copies of said warrant in three or more public
7 places in said district seven days at least before
8 the time of said meeting, and by publishing such
9 notice thereof as the warrant may require in the
10 Attleborough "Chronicle," published in said town.
11 One of the selectmen shall preside at the meeting
12 until a clerk is chosen and sworn. After the
13 choice of a moderator for said meeting the ques-
14 tion of the acceptance of this act shall be sub-
15 mitted to the voters, and if it shall be accepted by
16 two-thirds of the voters present and voting there-
17 on it shall thereupon go into operation, and the
18 meeting may then proceed to act on the other
19 articles contained in the warrant.

1 SECT. 7. The district shall choose by ballot
2 three persons who shall constitute the prudential
3 committee and shall hold office for one year and
4 until others shall be chosen in their stead. The
5 prudential committee shall have in charge the
6 construction and maintenance of the works herein
7 provided.

8 No money belonging to the district shall be
9 drawn from the treasury of the town except by
10 the written order of the prudential committee or a
11 majority of them. They shall annually make a
12 full report in writing of their doings and expendi-
13 tures. Any vacancy in either of these offices

14 may be filled at a regular meeting of the voters
15 of said district called for the purpose.

1 SECT. 8. Said district shall be liable to pay all
2 damages sustained by any persons or corporations
3 by the taking of any land, water or water rights,
4 or by the construction of any aqueducts, reser-
5 voirs or other works for the purposes mentioned
6 in this act.

7 If any person or corporation sustaining dam-
8 ages as aforesaid, cannot agree with said district
9 upon the amount of such damages he may have
10 the same assessed by the selectmen of the town,
11 by making a written application therefor within
12 one year after sustaining such damages; and
13 either party aggrieved by the doings of said select-
14 men in the estimation of said damages may have
15 the same determined by a jury, and the same pro-
16 ceedings shall in all respects be had and in the
17 same manner as is provided in case of taking
18 lands for highways.

1 SECT. 9. Said district is made a body corporate
2 with power to take and hold property for the pur-
3 poses mentioned in this act, and to prosecute and
4 defend in all actions relating to the property and
5 affairs of said district.

1 SECT. 10. Any person who shall maliciously
2 divert the water, or any part thereof, taken and
3 used under the provisions of this act, or who shall
4 maliciously corrupt the same or render it impure,
5 or who shall maliciously destroy or injure any
6 dam, aqueduct, pipe, hydrant or other property,

7 real or personal, held, owned or used by said dis-
8 trict for the purposes of this act, shall pay three
9 times the actual damage done to said district, to
10 be recovered in an action of tort.

11 Any such person, on conviction of any of the
12 malicious acts aforesaid, shall be punished by fine
13 not exceeding one hundred dollars, or imprison-
14 ment not exceeding six months, or by both fine
15 and imprisonment.

1 SECT. 11. The said district may adopt by-laws
2 prescribing by whom and how future meetings
3 may be called and notified; but meetings may also
4 be called on application of seven or more voters
5 in said district, by warrant from the selectmen, on
6 such notice as may be prescribed therein.

7 The district may also provide rules and regula-
8 tions on other subjects not inconsistent with this
9 act or the laws of the Commonwealth; and said
10 district may choose such other officers not pro-
11 vided for in this act, as it may deem proper and
12 necessary.

1 SECT. 12. This act shall take effect upon its
2 passage.