

HOUSE No. 445.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 5, 1890.

The committee on Water Supply to whom was recommit-
ted the Bill to amend an act to supply the town of Ipswich
with water, report that the same ought to pass in a new draft
herewith submitted.

For the Committee,

HENRY H. JOHNSON.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety.

AN ACT

To Supply the Town of Ipswich 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 Ipswich may supply
2 itself and its inhabitants with water for the extin-
3 guishment of fires and for domestic, manu-
4 facturing and other purposes; and may establish
5 fountains and hydrants, relocate or discontinue
6 the same; may regulate the use of such water
7 and fix and collect rates to be paid for the use
8 of the same.

1 SECT. 2. The said town, for the purpose afore-
2 said, may take by purchase or otherwise and hold
3 the waters of any pond, stream or spring within
4 the limits of said town, or sink wells upon any

5 land situate therein, and take by purchase or
6 otherwise and hold any lands, rights of way and
7 easements necessary for holding and preserving
8 any water thus obtained and for conveying the
9 same to any part of the said town of Ipswich;
10 and may erect on the land thus taken or held
11 proper dams, buildings, fixtures and other struc-
12 tures, and may make excavations, procure and
13 operate machinery, and provide such other means
14 and appliances as may be necessary for the estab-
15 lishment and maintenance of complete and effec-
16 tive water works; and may construct and lay
17 down conduits, pipes and other works under or
18 over any lands, water courses, railroads or public
19 or private ways, and along any such way in such
20 manner as not unnecessarily to obstruct the
21 same; and for the purpose of constructing,
22 maintaining and repairing such conduits, pipes
23 and other works, and for all proper purposes
24 of this act, said town may dig up any such
25 lands, and under the direction of the board
26 of selectmen of said town may enter upon and
27 dig up any such ways in such manner as to
28 cause the least hindrance to public travel on
29 such ways.

1 SECT. 3. The town shall within sixty days
2 after the taking of any lands, rights of way, water
3 rights, water sources or easements as aforesaid,
4 otherwise than by purchase, file and cause to be
5 recorded in the registry of deeds for the county
6 within which such lands or other property is

7 situated, a description thereof sufficiently accurate
8 for identification, with a statement for the purpose
9 for which the same were taken, signed by the
10 water commissioners hereinafter provided for.

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

1 SECT. 5. The said town may, for the purpose
2 of paying the necessary expenses and liabilities,
3 incurred under the provisions of this act, issue
4 from time to time bonds, notes or scrip to an

5 amount not exceeding in the aggregate one hun-
6 dred thousand dollars; such bonds, notes and
7 scrip shall bear on their face the words, Ipswich
8 Water Loan; shall be payable at the expiration of
9 periods not exceeding thirty years from the date
10 of issue; shall bear interest payable semi-annually
11 at a rate not exceeding six per centum per annum,
12 and shall be signed by the treasurer of the town
13 of Ipswich, and be countersigned by the water
14 commissioners hereinafter provided for. The
15 town may sell such securities at public or private
16 sale, or pledge the same for money borrowed for
17 the purposes of this act, upon such terms and
18 conditions as it may deem proper: *provided*, that
19 such securities shall not be sold nor pledged at
20 less than the par value thereof. The town shall
21 provide at the time of contracting said loan for
22 the establishment of a sinking fund, and shall
23 annually contribute to such fund a sum sufficient
24 with the accumulations thereof to pay the princi-
25 pal of said loan at maturity. The said sinking
26 fund shall remain inviolate and pledged to the
27 payment of said loan and shall be used for no
28 other purpose.

1 SECT. 6. The return required by section ninety-
2 one of chapter eleven of the Public Statutes shall
3 state the amount of any sinking fund established
4 under this act.

1 SECT. 7. The said 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 and scrip issued as aforesaid by said town,
7 and to make such contributions to the sinking
8 fund as may be required by the provisions of
9 this act.

1 SECT. 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; and
9 upon conviction of either of the above wilful or
10 wanton acts shall be punished by a fine not
11 exceeding three hundred dollars or by imprison-
12 ment not exceeding one year.

1 SECT. 9. The said town shall, at a legal meet-
2 ing called for the purpose, elect by ballot three
3 persons to hold office, one until the expiration of
4 three years, one until the expiration of two years,
5 and one until the expiration of one year from the
6 next succeeding annual town meeting, to consti-
7 tute a board of water commissioners; and at each
8 annual town meeting thereafter one such com-
9 missioner shall be elected by ballot for the term
10 of three years. All the authority granted to the
11 town by this act, and not otherwise specially pro-

12 vided for, shall be vested in said board of water
13 commissioners, who shall be subject, however, to
14 such instructions, rules and regulations as said
15 town may impose by its vote. The said commis-
16 sioners shall be trustees of the sinking fund herein
17 provided for, and a majority of said commission-
18 ers shall constitute a quorum for the transaction
19 of business relative both to the water works and
20 to the sinking fund; any vacancy occurring in
21 said board from any cause may be filled for the
22 remainder of the unexpired term by said town at
23 any legal town meeting called for the purpose.

1 SECT. 10. Chapter three hundred and fifty-
2 nine of the acts of the year eighteen hundred and
3 eighty-nine is hereby repealed.

1 SECT. 11. 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 any legal
4 town meeting called for the purpose within three
5 years from its passage; but the number of such
6 meetings shall not exceed two in any one year,
7 and notice of such meetings shall be given at
8 least seven days before the time fixed for holding
9 the same.

