

# HOUSE . . . . . No. 299.

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[Bill accompanying the petition of Lyman D. James and others for legislation to authorize the town of Williamsburg to supply itself with water. Water Supply. Jan. 24.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and One.

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### AN ACT

To authorize the Town of Williamsburg to supply  
Itself 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 Williamsburg may  
2 supply itself and its inhabitants with water for  
3 the extinguishment of fires and for domestic and  
4 other purposes; may establish fountains and hy-  
5 drants, locate or discontinue the same; may  
6 regulate the use of such water and fix and col-  
7 lect rates to be paid for the use of the same.

1 SECTION 2. Said town, for the purposes afore-  
2 said, may take, by purchase or otherwise, and  
3 hold the waters of the east branch, and all its

4 tributaries, of Mill river, in said town of Williams-  
5 burg, and the waters which flow into and from  
6 the same, together with any water rights con-  
7 nected therewith, and also all lands, rights of  
8 way and easements necessary for holding, storing  
9 and preserving such water and for conveying the  
10 same to any part of the said town of Williams-  
11 burg, and for constructing and maintaining ponds;  
12 and may erect on the land thus taken, purchased  
13 or held, proper dams, buildings, fixtures and  
14 other structures, and may make excavations, pro-  
15 cure and operate machinery and provide such  
16 other means and appliances as may be necessary  
17 for the establishment and maintenance of com-  
18 plete and effective waterworks, and may construct  
19 and lay conduits, pipes and other works under  
20 and over any land, water courses, railroads or  
21 public or private ways, and along any such ways  
22 in such manner as not unnecessarily to obstruct  
23 the same; and for the purpose of constructing,  
24 maintaining and repairing such conduits, pipes  
25 and other works, and for all proper purposes of  
26 this act, said town may dig up such lands, and,  
27 under the direction of the board of selectmen of  
28 the towns in which any such ways are situated,  
29 may enter upon and dig up any such ways in such  
30 manner as to cause the least hindrance to public  
31 travel on such ways.

1 SECTION 3. Said town shall within ninety days  
2 after the taking of any land, rights of way, water  
3 rights, water sources or easements as aforesaid, or

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 are sit-  
7 uated a description thereof sufficiently accurate  
8 for identification, with a statement of the purposes  
9 for which the same were taken and the damages  
10 awarded to each person or corporation, signed by  
11 the water commissioners hereinafter provided for.

1 SECTION 4. Said 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,  
5 or by any other thing done by said town under  
6 the authority of this act. Any person or corpo-  
7 ration sustaining damages as aforesaid under this  
8 act, who fails to agree with said town as to the  
9 amount of damages sustained, or who is aggrieved  
10 by the doings of the commission, may have the  
11 damages assessed and determined in the manner  
12 provided for by law when land is taken for the  
13 laying out of highways, on application at any  
14 time within the period of three years from the  
15 taking of such land or other property or the  
16 doing of other injury under the authority of this  
17 act; but no such application shall be made after  
18 the expiration of said three years. No applica-  
19 tion for assessment of damages shall be made for  
20 the taking of any water, water rights, or for any  
21 injury thereto until the water is actually with-  
22 drawn or diverted by said town under the au-  
23 thority of this act.

1 SECTION 5. 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 forty  
6 thousand dollars; such bonds, notes and scrip  
7 shall bear on their face the words "Williamsburg  
8 Water Loan," shall be payable at the expiration  
9 of periods not exceeding thirty years from the  
10 date of issue; shall bear interest, payable semi-  
11 annually, at a rate not exceeding four per centum  
12 per annum, and shall be signed by the treasurer  
13 and countersigned by the selectmen of the town.  
14 Said town may sell such securities at public or  
15 private sale, or pledge the same for money bor-  
16 rowed for the purposes of this act, and upon such  
17 terms and conditions as it may deem proper. Said  
18 town shall pay the interest on said loan as it  
19 accrues, and shall provide at the time of contract-  
20 ing said loan for the establishment of a sinking  
21 fund, and shall annually contribute to such fund  
22 a sum sufficient with the accumulations thereof to  
23 pay the principal of said loan at maturity. Said  
24 sinking fund shall remain inviolate and pledged  
25 to the payment of said loan, and shall be used for  
26 no other purpose.

1 SECTION 6. Said town, instead of establishing  
2 a sinking fund, may at the time of authorizing  
3 said loan provide for the payment thereof in such  
4 annual proportionate payments as will extinguish  
5 the same within the time prescribed in this act;

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

1 SECTION 7. The returns 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 amounts raised and applied there-  
8 under for the current year.

1 SECTION 8. Said town shall raise annually by  
2 taxation a sum which with the income derived  
3 from water rates will be sufficient to pay the ex-  
4 penses of operating its waterworks and the in-  
5 terest as it accrues on the bonds, notes and scrip  
6 issued as aforesaid by said town and to make such  
7 contributions to the sinking fund and the payment  
8 on the principal as may be required under the  
9 provisions of this act.

1 SECTION 9. Said town may contract with any  
2 person or corporation, and purchase any interest  
3 in any property, which may be deemed necessary  
4 to carry out the provisions of this act, and hold  
5 such interest and property.

1 SECTION 10. Whoever wilfully or wantonly  
2 corrupts, pollutes or injures any structures, works  
3 or other property owned, held or used by said  
4 town under the authority of this act, shall forfeit  
5 and pay to said town three times the amount of  
6 damages assessed therefor, to be recovered by an  
7 action of tort; and whoever is convicted of any  
8 of the said wilful or wanton acts shall be pun-  
9 ished by a fine of five hundred dollars, or by  
10 imprisonment for a term not exceeding two years,  
11 or by both such fine and imprisonment.

1 SECTION 11. Said town shall, after its accept-  
2 ance of this act, at any legal meeting called for  
3 the purpose, elect by ballot three persons, legal  
4 voters of said town, to be the board of water  
5 commissioners, to serve one for three years, one  
6 for two years and one for one year from the first  
7 day of May then next ensuing, and from the time  
8 of their election to the first day of said May; and  
9 thereafter the town shall annually elect in the  
10 manner hereinafter described one person to serve  
11 on said board for the term of three years. Before  
12 entering upon their duties said commissioners  
13 shall be sworn to the faithful performance thereof.  
14 All of said commissioners shall serve until their  
15 successors are elected and qualified. All the  
16 authority granted to said town by this act, and  
17 not otherwise especially provided for, shall be  
18 vested in said board of water commissioners, who  
19 shall be subject, however, to such instructions,  
20 rules and regulations as said town may from time

21 to time impose by its vote within the scope of its  
22 authority.

23 Any vacancy occurring in said board from any  
24 cause may be filled temporarily by a majority vote  
25 of the selectmen of the town. Such person so  
26 selected shall hold the office until the town fills the  
27 vacancy by ballot in the usual manner, which it  
28 may do at any special or town meeting duly  
29 warned for the purpose. A majority of said  
30 commissioners shall constitute a quorum for the  
31 transaction of any business.

1 SECTION 12. Said commission shall have the  
2 charge of all the system of water works in said  
3 town as aforesaid, and all matters pertaining  
4 thereto; but no contract shall be made by said  
5 commissioners which shall require the payment of  
6 money not provided by the town, or otherwise, for  
7 the purpose before the making of such contract.  
8 The lawful contracts of said commissioners shall  
9 be the contracts of said town.

1 SECTION 13. This act shall take effect upon  
2 its acceptance by a two-thirds vote of the voters  
3 of said town present and voting thereon by ballot,  
4 as provided by law, at a legal town meeting called  
5 for the purpose within five years from its passage;  
6 but the number of meetings so called in any year  
7 shall not exceed three.

