

HOUSE No. 1289.

[PROPOSED AMENDMENTS TO HOUSE, No. 1275.]

Commonwealth of Massachusetts.

Mr. ROBERTS of Chelsea gives notice that he will move to amend as follows:—

In section 3, line 15, after word “water” insert the word “and.”

In lines 18 and 19 strike out words “and on such terms as said board with the approval of,” and insert in place thereof the words “Said board on such terms as.”

In line 22, after word “therefor” insert the words “approved by the selectmen of the town.”

In section 5, lines 2 and 3, strike out the words “or to enter upon and use the lands of others.”

In section 12, line 31, strike out all after the word “thereto” and insert in place thereof the words “In determining the damages sustained from any of the doings under this act by any individual or copartnership owning, on the first day of January, eighteen hundred and ninety-five, an established business located on land taken there shall be included any damages resulting from loss of good will or of custom.”

In section 13, at end of line 6, insert the word “first.”

In line 13, after the word “taken,” insert the word “used.”

In line 32, strike out all after word "prevail" and insert the words "when an action is brought for using any land or property before such use has ceased the jury may fix a sum of money which shall be paid to the party injured monthly so long as the use of such land or property continues."

In section 16, line 1, strike out the word "corporation" and insert in place thereof the word "copartnership."

In line 2, strike out the words "an established" and insert in place thereof the word "a."

In line 2, strike out the word "situated" and in place thereof insert the words "established on or before the first day of January, eighteen hundred and ninety-five."

In line 7, strike out the word "corporation" and insert the word "copartnership."

In section 20, strike out line 15.

In lines 23 and 24, strike out the words "which own their respective water pipe systems."

Also strike out lines 16 to 21, both inclusive.

In line 33, after the word "works" insert the words "or receives its supply from a private company."

In line 36, strike out the words "from its own works."

In line 38, after the word "treasurer" insert the words "and any town supplied by a private company which takes its water in whole or in part from the Metropolitan District shall be allowed and credited in its apportionment with a further sum equal to the amount paid annually by said private water company for the water taken from said district."

Mr. BRADFORD of Waltham gives notice that he will move to amend in section 3, lines 23 to 26 inclusive, by striking out the words "with the approval of a board consisting of the mayors of the cities and the chairmen of the selectmen of towns in said water district."

Mr. JONES of Melrose gives notice that he will move to amend as follows:—

SECTION 1. Strike out in lines 23 and 24 the words "a city or town not included in said water district," and insert in place thereof the words "this Commonwealth."

SECT. 3. Strike out all after the word "water" in line 15 and before the words "Said Board" in line 29, and insert in place thereof the following: "shall on application furnish water to any city or town aforesaid that at the time of application owns its waterpipe system; shall on application admit any other city or town any part of which is within ten miles of the state house into said water district and furnish water to the same on the terms prescribed by this act in the cities and towns aforesaid, on such payment of money as said board may determine; shall on application furnish water to any water company owning the water-pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board, may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively."

SECT. 4. Strike out in line 32 the words "tenements for operatives and;" and in the line 33 strike out the words "in said mills," and insert in place thereof "on such real estate."

SECT. 5. In lines 2 and 3 strike out the words "or to enter upon and use the lands of others," and insert after the word "board" in line 12 the words, "upon entering upon any land for the purpose of using the same for carrying out any of the purposes of this act, shall sign and cause to be recorded in the registry aforesaid a statement containing a general description of the land and the purposes for which it is to be used, and the probable time for which the same is to be used, and."

SECT. 6. In line 4 strike out the word "said," and insert in place thereof the word "the;" also in line 5, after the word "Southborough," insert "already partially constructed by the city of Boston;" also in line 7 strike out the words "the" and "of Boston," and insert in place of said word "the" before the word "city" the word "said;" also in line 17 strike out the words "or other;" also in line 34

strike out the word "the" before the word "pond," and insert in place thereof the word "any."

SECT. 10. In line 6 strike out the words "and parts of roads." In line 23, after the word "prevent" insert the words "the improper use or," and after the word "waste" insert the words "of water."

SECT. 12. Strike out all of said section after the word "thereto" in line 31.

SECT. 13. Insert in line 3, after the word "may" the words "except in the cases in which payment is otherwise provided for in this act." In line 4 strike out the words "water rights." In line 5 strike out the words "or other" before the word "easements" and the words "the payment;" in line 6 the words "for which is not otherwise provided for;" in lines 10 and 11 the words "except as provided in the following section;" and also strike out all after the word "prevail" in line 32, and insert in place thereof the words "damages for the use of property may, on the request of the petitioner, be assessed by monthly payments, to be continued so long as the property is used."

SECT. 14. In line 6, after the word "estate" insert the words "not taken but directly or indirectly decreased in value by this act or the doings of said board thereunder;" and in lines 16, 17 and 18 strike out the words "not taken but decreased in value directly or indirectly by this act or the doings of said board thereunder." In line 22, after the word "within," insert the words "two years after the taking of any property or of any water, causing the damage, or in case of real estate not taken but decreased in value, within." In lines 24 and 25 strike out the words "first taking of water, or of land for said reservoir, under the right of eminent domain," and insert in place thereof the words "said taking of the water of said Nashua river." In line 27 after the word "Worcester," insert the words "in term time or vacation;" in line 30, after the word "Worcester," insert the words "and in such other manner as the court may order." Strike out all of said section after line 32, and insert in place thereof, "shall from time to time appoint one or more commissions, each consisting of three disinter-

ested persons, and may after notice and hearing fill any vacancy occurring in any such commission until all petitions referred to it have been heard and determined. Each of said commissions shall, after notice and hearing, determine the damages specified in all such petitions as may be filed as aforesaid and referred to it by said court, and if the owner of any such real estate, no part of which is taken but which is decreased in value, shall in the petition aforesaid signify his willingness to surrender the real estate, or if there is a mill thereon and real estate and machinery thereon, to the Commonwealth, the commission shall also determine the value of such real estate or real estate and machinery, and interest may be included in such damages and in such value at such rate and for such time as the commission may deem just and equitable. Said commissions shall determine the damage to and value of real estate, machinery and business, as the same existed at and immediately before said taking of said water, but shall not regard any effect upon the value of such real estate, machinery or business, which the project of such reservoir may have produced before said taking. Said commissions shall from time to time report their determinations on the petitions of such owners to said court.

SECT. 14. At the end of section 14 add the following words: "In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston, whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business as it existed on the day of the taking of the waters of said Nashua river is injured by any doings under this act, whether by loss of custom or otherwise, and unable to agree with said board as to the amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided."

SECT. 15. In line 16 strike out the words "the owner of any such real estate," and insert in place thereof the words "any persons whose property is." In lines 19 and 20 strike out the words "of said commissioners in which

they have an interest," and insert in place thereof the words "of damages made by any." In line 24, after the word "jury," insert "in said supreme judicial court."

Strike out sections 16 and 17, and insert the following section:—

1 SECT. 16. The treasurer of the Commonwealth shall
 2 from the proceeds of the bonds hereinafter provided for
 3 reimburse the city of Boston for all moneys paid or that
 4 may hereafter be paid by said city for land damages or
 5 otherwise in connection with the location, building or
 6 maintenance of reservoirs or basins not yet built or for
 7 lands taken for the preservation or protection of the
 8 purity of the waters of any reservoirs or basins, or of the
 9 tributaries thereof, and shall pay as part of the expenses
 10 of said metropolitan water works to the town of Boyl-
 11 ston the sum of two thousand dollars a year and to the
 12 town of West Boylston the sum of twelve thousand dol-
 13 lars a year for the year of and each year succeeding said
 14 taking of the waters of said Nashua river, so long as
 15 each of said towns remains a municipality, and shall pay
 16 no tax or other payment to either of said towns on
 17 account of any property held by said water board for the
 18 purposes of a water supply.

Renumber all the following sections.

SECT. 19 (or Section 18 as renumbered). Insert at the end thereof the words "Said treasurer shall advance to such person as shall have been designated by said water board and shall have given a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars, such sums, not exceeding ten thousand dollars at any time, as said auditor may certify to be necessary to enable said board to make direct payment upon the payrolls and other accounts of said board and such persons shall, as soon as may be after expending any sum so advanced, and in all cases within thirty days from the receipt

of any such sum, file with the auditor a statement in detail of the moneys expended subsequent to the last previous accounting, approved by said water board, and where it is practicable to obtain them also file receipts or other like vouchers of the persons to whom the payments have been made.

SECT. 20 (or Section 19 as renumbered). Strike out lines 8 and 9 and all of line 10 before the word "and." Strike out line 15 and the words "except that" in line 16, and insert in place thereof the words "*provided, however.*" In line 30, after the word "sources," insert the words "or has made application for water." In line 30 insert the word "and" before the word "provided," and in lines 30 and 31 strike out the word "however," and insert the word "further."

In line 33, after the word "works," insert the words "or receives a supply from a water company." In line 36 strike out the words "from its own works." Strike out all of said section after the word "apportioned" in line 42 and before the word "said" in line 55, and insert in place thereof the words "and the sums of money expended by the State Board of Health under chapter 459 of the Acts of the year 1893 and chapter 4 of the Resolves of the year 1895, and in the succeeding years the said amount of five hundred thousand dollars and three hundred thousand dollars additional for each year thereafter shall be so apportioned until the entire amount required as aforesaid is reached, and thereafter such entire amount shall be so apportioned."

SECT. 24 (or Section 23 as renumbered). Strike out in the first and second lines the words "or water company in said water district," and insert in place thereof "any part of which is within ten miles of the State House or any water company owning a water-pipe system in any such city or town."

SECT. 31 (or Section 30 as renumbered). Strike out all of said section after the word "act" in line 6.

SECT. 32 (or Section 31 as renumbered). Strike out the section.

