

*Ch.* 271. AN ACT TO SUPPLY THE VILLAGE OF ATTLEBOROUGH WITH WATER FOR THE EXTINGUISHMENT OF FIRES AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

Attleborough village to be supplied with water.

May establish public fountains and hydrants.

Selectmen may select site for reservoir if voters of district cannot agree, &c.

May take water from Ten Mile River.

May construct conduits and drains.

SECTION 1. The inhabitants of the village of Attleborough in the county of Bristol, liable to taxation in the town of Attleborough and residing within a radius of half a mile from the centre of the passenger depot of the Boston and Providence Railroad in said village, shall constitute a water district, and are made a body corporate by the name of the Attleborough water supply district, for the purpose of providing a reservoir of water for the extinguishment of fires, for generating steam and for domestic purposes, with power to convey water to different parts of said district; to establish public fountains and hydrants and regulate their use, or discontinue the same, and to fix and collect rents for the use of such water; and said district is also empowered to purchase a suitable site and to build and maintain a reservoir for the uses aforesaid, in such part of said district as it may determine; but in case said district cannot agree upon a site for said reservoir by a vote of two-thirds of the legal voters of said district, present and voting thereon at a meeting called for the purpose, or cannot agree with the owner of the land upon the price thereof, the selectmen of the town, on the application of the prudential committee or seven or more of the legal voters in said district, are authorized to select the location, not exceeding forty square rods of land, and to determine the damage to be paid to the owner of the land so selected, in the manner provided in sections thirty-eight and thirty-nine of chapter thirty-eight of the General Statutes and subject to the right of appeal as therein provided.

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

damage, and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up any such street, highway or other way; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of the town, and all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Bristol. Within sixty days after the time of taking any land as aforesaid, the district shall file in the registry of deeds for the county in which such land lies, a description thereof sufficiently accurate for identification, together with a statement of the purposes for which the same is taken.

Description of land taken to be filed in registry of deeds.

SECTION 3. For the purpose of defraying necessary expenses and liabilities incurred in the construction and maintenance of said works, said district upon a two-thirds vote of its legal voters, present and voting at a meeting called for the purpose, may raise by taxation on the polls and estates of the persons residing within its limits, and of non-resident owners of real estate therein and liable to taxation in said town, any sums of money, not exceeding in the whole amount ten thousand dollars for the first year; and after that sum shall have been raised and expended for the purposes herein provided, said district may thereafter raise in the manner heretofore provided in this act, further sums of money, not exceeding one thousand dollars annually, for the purpose of extending and repairing said works.

May raise money by taxation.

SECTION 4. Whenever a tax is duly voted by said district, the clerk shall render a certified copy of the record to the assessors of the town, who shall proceed, within thirty days, to assess the same on the polls and estates of the inhabitants of said district, and on non-resident owners of real estate therein, and on all real estate which any resident holds in the town, the same being under his own actual improvement.

Tax to be assessed by the assessors of the town.

The assessment shall be committed to one of the town collectors, who shall collect said tax in the same manner as is provided for the collection of school district taxes, and shall deposit the proceeds thereof with the town treasurer.

SECTION 5. Instead of raising money as provided in section three, said district may issue bonds, signed by the

District may issue bonds not

exceeding \$20,000.

Bonds may be sold at public or private sale.

First meeting of district to be called by selectmen on petition of seven or more legal voters.

Subject to acceptance by a two-thirds vote.

Prudential committee to have charge of the works.

To make an annual report.

clerk and countersigned by the prudential committee of said district, to be denominated "The Attleborough Water Supply Bonds," to an amount not exceeding twenty thousand dollars, payable at periods not exceeding fifteen years from the date of this act, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said district may sell said bonds, at public or private sale, upon such terms and conditions as it may deem proper, and may raise money by taxation in the manner prescribed in section three to pay said bonds and interest thereon, when due; but said district shall not raise more than two thousand five hundred dollars in any one year to pay the principal of said bonds, except the year on which the same may become due.

SECTION 6. The first meeting of said district shall be called on petition of seven or more legal voters therein, by a warrant from the selectmen of the town, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in three or more public places in said district seven days at least before the time of said meeting, and by publishing such notice thereof as the warrant may require in the Attleborough Chronicle, published in said town. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by two-thirds of the voters present and voting thereon it shall thereupon go into operation, and the meeting may then proceed to act on the other articles contained in the warrant.

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

No money belonging to the district shall be drawn from the treasury of the town except by the written order of the prudential committee or a majority of them. They shall annually make a full report in writing of their doings and expenditures. Any vacancy in either of these offices may be filled at a regular meeting of the voters of said district called for the purpose.

SECTION 8. Said district shall be liable to pay all damages sustained by any persons or corporations by the taking of any land, water or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes mentioned in this act.

Liability for damages.

If any person or corporation sustaining damages as aforesaid, cannot agree with said district upon the amount of such damages he may have the same assessed by the selectmen of the town, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said selectmen in the estimation of said damages may have the same determined by a jury, and the same proceedings shall in all respects be had and in the same manner as is provided in case of taking lands for highways.

SECTION 9. Said district is made a body corporate with power to take and hold property for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

District made a body corporate for purposes of this act.

SECTION 10. Any person who shall maliciously divert the water, or any part thereof, taken and used under the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe, hydrant or other property, real or personal, held, owned or used by said district for the purposes of this act, shall pay three times the actual damage done to said district, to be recovered in an action of tort.

Penalty for diverting water or maliciously corrupting the same.

Any such person, on conviction of any of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or by both fine and imprisonment.

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

May adopt by-laws prescribing manner of holding meetings.

The district may also provide rules and regulations on other subjects not inconsistent with this act or the laws of the Commonwealth; and said district may choose such other officers not provided for in this act, as it may deem proper and necessary.

SECTION 12. This act shall take effect upon its passage.

*Approved May 6, 1873.*