

## CHAPTER 380.

AN ACT TO ESTABLISH WATER-WORKS IN THE TOWN OF AMHERST, IN  
THE COUNTY OF HILLSBOROUGH.

## SECTION

1. Water-works authorized.
2. Right of eminent domain.
3. Contracts authorized.
4. Board of water commissioners.

## SECTION

5. Duties of commissioners.
6. Appropriations authorized.
7. Payment of bonds.
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*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

SECTION 1. That the town of Amherst, in the county of Hills-<sup>Water-works</sup>borough, is hereby authorized and empowered to construct, manage, authorized.  
maintain, and own suitable water-works, for the purpose of introducing into and distributing through the villages in said town, or any part of said town, an adequate supply of pure water, in subterranean pipes, for extinguishing fires and for the use of its citizens and others, and for such other public, private, and mechanical purposes as said town may from time to time authorize and direct; and for that purpose may take, purchase, and hold, in fee simple or otherwise, any real or personal estate, and any rights therein, and water-rights, and do all other things necessary for carrying into effect the purposes of this act, and to excavate and dig canals and ditches in any street, place, square, passageway, highway, common, or other land or place, over or through which it may be deemed necessary and proper for building, constructing, and extending said water-works, and may relay, change, enlarge, and extend the same from time to time whenever said town shall deem necessary, and repair the same at pleasure, having due regard for the safety and welfare of its citizens and security of the public travel.

SECT. 2. Said town is authorized and empowered to enter upon, Right of eminent domain.  
take, and appropriate any streams, springs, or ponds in the town of Amherst, or the adjoining town of Mont Vernon not belonging to any aqueduct company, and to secure, by fence or otherwise, such streams, springs, or ponds, and dig ditches and canals, make excavations or reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting water for said purposes, and placing such pipes or other materials, or works, as may be necessary for building and operating such aqueduct and water-works, or for repairing the same; *provided*, if it shall be necessary to enter upon and appropriate any stream, spring, pond, or any land, for the purposes aforesaid,

or to raise or lower the level of the same by dam or otherwise, and if said town shall not agree with the owner or owners thereof for the damage that may be done by said town, or such owner or owners shall be unknown, said town, or said owner or owners or party injured, may apply to the trial term of the superior court for the county within which such stream, spring, pond, or land is situate to have the same laid out and the damages determined, and that said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing, and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make report to said court, and said court may issue execution accordingly; if either party shall desire, they shall be entitled to a trial by jury, in such manner and under such regulations as the court may prescribe, in the same manner as appeals from the award of damages in the case of laying out of highways.

Contracts  
authorized.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations, whether citizens of said town or not, for supplying them with water for any of the purposes herein named or contemplated, and to make such contracts and establish such regulations and tolls for the use of water for any of said purposes as may from time to time be deemed proper and necessary to enjoy the provisions of this act.

Water com-  
missioners.

SECT. 4. For the more convenient management of said water-works, the said town may place the construction, management, control, and direction of said water-works in a board of water commissioners, to consist of three citizens of the town, said commissioners to be vested with such powers and duties relating to the constructing, control, and management of the same as may from time to time be prescribed by said town. Their term of office shall be for three years, and until their successors are elected and qualified. The term of one shall expire at the first annual meeting after the first board is elected, one at the second annual meeting held thereafterwards, and one at the third annual meeting held thereafterwards, and after the first election one shall be elected for three years at each annual meeting to fill the occurring vacancy; *provided, also*, that the term of service of the commissioners first elected shall be designated at the time of their election, or said commissioners may be appointed by the selectmen of said town if the town fail to elect, or if the town at any meeting vote to authorize and instruct the selectmen to appoint said water commissioners.

Duties of  
commissioners.

SECT. 5. The compensation of said commissioners shall be fixed by the town. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as chairman of the board, and said board shall appoint a

clerk and a superintendent of the works, and such other officers and agents as they may deem necessary, and shall thereupon furnish the town clerk a certificate of such organization, and the town clerk shall record the same in the records of the town. The commissioners shall fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties. Whenever a vacancy shall occur in said board from any cause, the two remaining members of the board shall fill such vacancy temporarily by appointing a citizen of said town, in writing, which shall be filed with the town clerk and recorded by him on the records of the town; and the person so appointed shall hold the office until the next annual town meeting after his appointment, when the town shall elect a commissioner to fill out the unexpired term, if any, of the person whose office became vacant and was so temporarily filled by appointment. Said commissioners shall annually make a report to the town, at the same time other officers of town report, of the condition of the water-works financially and otherwise, showing the funds belonging to their department, and the expense and income thereof, with such other facts and information as the town should have, which report shall be published in the annual report of said town each year.

SECT. 6. Said town is also authorized and empowered, at any special, annual or biennial meeting by a major vote of those present and voting to raise by taxation and appropriate, or to borrow or hire, such sums of money on the credit of the town as may from time to time be deemed necessary and expedient, for the purpose of defraying the expenses of purchasing real estate, rights in real estate, water rights, streams, springs, ponds, and other rights and property, as aforesaid, and for constructing, maintaining, repairing, extending, enlarging, and operating said water-works, such indebtedness not to exceed at any one time thirty thousand dollars, and to issue notes or bonds of the town therefor, in such amounts and payable at such time or times and at such rates of interest as may be thought proper, and may exempt such notes or bonds from taxation when held by inhabitants of the town, said notes and bonds to be signed by at least a majority of the selectmen and countersigned by the town treasurer.

Appropriations  
authorized.

SECT. 7. Said town is hereby authorized and empowered to raise by taxation and pay each year the interest of the notes and bonds so issued, and such part of the principal as the town may determine at any annual meeting.

Takes effect  
on passage.

SECT. 8. This act shall take effect upon its passage.

[Approved April 22, 1913.]