

# **SENATE . . . No. 146.**

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**Commonwealth of Massachusetts.**

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IN SENATE, April 1, 1873.

The Committee on Water Supply and Drainage, to whom was referred the petition of the selectmen of Lexington for power to drain meadows, have considered the matter, and report the accompanying Bill.

Per order,

GEO. D. WHITTLE,  
*For the Committee.*

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Three.

### AN ACT

To authorize the Town of Lexington to Drain the  
Meadows near the Centre Village.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1    SECT. 1. The town of Lexington is hereby  
2 authorized to drain the meadows on the southerly  
3 side of the central village by lowering the channel  
4 of Vine Brook, commencing at some convenient  
5 point above where said brook is crossed by the  
6 Lexington and Arlington Railroad, and terminat-  
7 ing on or below the land of Estabrook and  
8 Blodgett; and the said town is also authorized to  
9 drain the meadows on the northerly side of said  
10 village by lowering the ditch or channel of the  
11 brook which runs from these meadows, commenc-  
12 ing at some suitable point above Mr. Charles  
13 Tidd's watering-place, and terminating at or be-  
14 low the causeway leading to the house of Mr.  
15 George W. Robinson. And, for the purposes

16 aforesaid, the town is hereby authorized to make  
17 such excavations and to cut such cross or side  
18 drains or ditches in these meadows, or in the low  
19 and swampy lands connected therewith, as may be  
20 deemed necessary. And the town is fully author-  
21 ized to take as much land as may be found neces-  
22 sary to establish and maintain the drainage as  
23 herein provided.

1 SECT. 2. The selectmen, by whom the powers  
2 herein granted to the town are to be exercised,  
3 may enter upon the lands in said meadows and  
4 other lands adjacent, for the purpose of making  
5 surveys, and finally completing the said drainage.  
6 But, before they commence any excavation, they  
7 shall adopt a general plan, showing, substantially,  
8 the land proposed to be taken, the width and  
9 depth of the excavations, and the cross or side  
10 drains deemed necessary; and shall give informa-  
11 tion to the land owners and all concerned, by  
12 posting a written notice at not less than three  
13 public places in Lexington, seven days, at least,  
14 before the time appointed for a hearing, stating  
15 the time and place when the plan will be made  
16 known, the premises viewed and the parties heard;  
17 and the plan adopted by the selectmen, with such  
18 alterations and modifications, if any, as they shall  
19 deem expedient after said hearing, shall be the  
20 plan to be carried out and completed.

1 SECT. 3. After the place of drainage shall have  
2 been adopted and the location of the side-drains  
3 fixed the board shall, if requested by the owner of  
4 any land taken for said drainage, furnish him with

5 a plan of the land so taken, showing the quantity  
6 of said land and the width and depth of the exca-  
7 vation; and in letting out, or contracting for, said  
8 drainage, the excavating shall first be offered to  
9 the owner of said land, and preference shall be  
10 given to him in any bid for the work, provided it  
11 shall be deemed a reasonable price, and the party  
12 be regarded as responsible.

1 SECT. 4. In constructing the drain in the  
2 meadows northerly of the village, the town is  
3 hereby authorized to cross the Middlesex Central  
4 Railroad where it shall become necessary, by a  
5 suitable culvert or culverts, which shall be con-  
6 structed in a manner satisfactory to said railroad  
7 corporation.

1 SECT. 5. The expense of lowering or altering  
2 the culverts across the public highways shall be  
3 borne by the town; and the other expense of  
4 drainage shall be assessed upon the individuals  
5 whose land is taken or is benefited by the said  
6 drainage in the manner hereinafter provided.

1 SECT. 6. The selectmen shall keep an account  
2 of the expense of the drainage through or on the  
3 land of each individual, and shall assess the whole  
4 cost of the improvement, except that of crossing  
5 the highways, upon the persons whose lands or  
6 estates are benefited, in proportion to the better-  
7 ment arising from said drainage; and said assess-  
8 ment shall constitute a lien upon said land or  
9 estate so assessed, in the same manner as taxes  
10 are a lien upon said land or estate, and may be

11 collected in the same manner as taxes on real  
12 estate are collected. And, if any person whose  
13 land is taken or deemed to be benefited by said  
14 drainage, shall feel himself aggrieved by the deci-  
15 sion or the assessment of the selectmen, he shall  
16 have the same remedy as is provided in the case  
17 of the laying out of highways.

1   SECT. 7. The meadows north and the meadows  
2 south of the village shall, so far as the assessment  
3 of damages is concerned, be regarded as distinct  
4 and separate from each other; and any sum paid  
5 by the Middlesex Central Railroad towards the  
6 construction of culverts under said railroad, shall  
7 be deducted from the sum which would otherwise  
8 be assessed upon those affected by the drainage  
9 in the north meadows.

1   SECT. 8. If, after the completion of said drain-  
2 age, the channel, drain or ditch in any part of the  
3 said land drained, shall become, from any cause,  
4 obstructed, so as to impede the necessary flow of  
5 water, and the owner or occupant of the land in  
6 which said obstruction exists, refuses or unre-  
7 sonably neglects to remove the same after being  
8 requested so to do by the selectmen of Lexington,  
9 the said selectmen are hereby authorized to enter  
10 upon the premises, and clear out the channel, drain  
11 or ditch and remove any obstruction to an easy  
12 flow of the water: *provided, however,* that the  
13 owners or occupants of the meadows or land  
14 bordering on said channels, drains or ditches may,  
15 in the dry season of the year, with the consent of  
16 the selectmen, place any flash-boards in the chan-

17 nels, drains or ditches, so as to raise the water in  
18 order to promote vegetable culture on the shores  
19 of said water-courses.

1 SECT. 9 This act shall take effect when ac-  
2 cepted by the citizens of Lexington, at a legal  
3 meeting called for that purpose.