

relating thereto shall be done in a manner satisfactory to the water board of said city and as shown on said plan.

SECTION 5. This act shall take effect upon its passage.

*Approved February 16, 1906.*

*Chap. 78* AN ACT RELATIVE TO ASSESSMENT OF BETTERMENTS FOR THE CONSTRUCTION OF SEWERS AND DRAINS IN THE TOWN OF HYDE PARK.

*Be it enacted, etc., as follows:*

Assessment of betterments for construction of sewer, etc., in Hyde Park.

SECTION 1. The selectmen of the town of Hyde Park within one year after the date of the passage of this act may determine the value of the benefit or advantage to every parcel of real estate in said town beyond the general advantage to all real estate therein from the construction within six years before said date of sewers and sewerage works, or for the doing of any other work authorized by the provisions of chapter two hundred and eighty-seven of the acts of the year eighteen hundred and ninety-six, and may assess on every such parcel a proportional share of such part, not exceeding one half, as the board shall deem just, of the expenses incurred by the town for the improvements aforesaid: *provided, however*, that no assessment on any parcel of real estate shall exceed the value of said benefit for that parcel, and that no parcel of real estate for which any assessment on account of any such improvement shall have been paid and not recovered back shall be subject to the payment of another assessment for that improvement; and *provided, further*, that no land within any location of a railroad company shall be subject to such assessment. If said selectmen shall make, under the provisions of this act, a new assessment for any such improvement, any person on whose real estate a prior assessment on account of such improvement has been made and has not been wholly paid, or has been paid under protest and a suit, brought within three months after the payment for recovery thereof, be pending, may file with the selectmen an application for a revision of the prior assessment, and the selectmen shall, if necessary to make the prior assessment conform to the new assessment, revise and reduce the amount thereof, and give a certificate for payment of any part of a prior assessment paid under protest, or remit any unpaid excess of a prior assessment over the amount of the new assessment; and the town

Provisos.

Proceedings when new assessment is made.

treasurer shall repay any amount authorized by the certificate from the appropriation from which said expenses were paid.

SECTION 2. The provisions of said chapter two hundred and eighty-seven, so far as they are applicable and not inconsistent herewith, shall apply to assessments made under this act or made before its passage; but petitions under said act on account of assessments made before the passage of this act may be filed only within one year after the passage of this act.

Certain provisions of law to apply.

SECTION 3. No assessment shall hereafter be made, either under the provisions of this act or under the provisions of chapter two hundred and eighty-seven of the acts of the year eighteen hundred and ninety-six, upon any land which, by reason of its grade or level, or any other cause, cannot be drained into a sewer already constructed, until such incapacity is removed, and in no case shall an assessment be made, under the provisions of this act or under the provisions of said chapter two hundred and eighty-seven, that exceeds the special benefit received by the estate assessed.

Assessments not to be made upon land which cannot be drained, etc.

SECTION 4. This act shall take effect upon its passage.

*Approved February 17, 1906.*

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES.

*Chap. 79*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton, for the purposes specified in chapter two hundred and forty-seven of the acts of the year eighteen hundred and ninety-two, may incur indebtedness outside its statutory debt limit, to an amount not exceeding one hundred thousand dollars, and may, from time to time, issue bonds, notes or scrip therefor, to be denominated on the face thereof, Brockton Sewerage Loan, 1906, signed by the mayor and city treasurer, and bearing such rate of interest, not exceeding four per cent per annum, as the city council may determine. The city shall provide for the payment of such indebtedness by such annual proportionate payments as will extinguish the debt at maturity. The sinking fund of any loan of the city may be invested therein.

Brockton Sewerage Loan, 1906.

Annual proportionate payments.

SECTION 2. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws

R. L. 27, etc., to apply.