

# HOUSE . . . . . No. 691.

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[Bill accompanying petition of the town of Natick. Drainage.]

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## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-four.

### AN ACT

To authorize the Town of Natick to construct and maintain  
a System of Sewerage and Sewage Disposal.

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

1 SECTION 1. The town of Natick may lay out, con-  
2 struct and maintain a system of sewerage and sewage  
3 disposal for said town, and shall have full power to take,  
4 by purchase or otherwise, any lands, water rights, rights  
5 of way or easements in the town of Natick necessary for  
6 the establishment of such system of sewerage and sewage  
7 disposal and the connections therewith. Assessments  
8 for defraying the expense of constructing and maintain-  
9 ing the common sewers of said system may be made by  
10 the selectmen of said town upon persons and estates in  
11 the same manner provided by chapter fifty of the Public  
12 Statutes and acts in amendment thereof, and all the pro-

13 visions of said chapter and acts applicable shall apply to  
14 assessments so laid.

1     SECT. 2. When any lands, water rights, rights of  
2 way, easements or other real estate are to be taken by  
3 said town, under and by virtue of this act, in any manner  
4 other than by purchase, said town shall file and cause to  
5 be recorded in the registry of deeds for the county and  
6 district in which said lands, water rights or other real estate  
7 lie a description of the same as certain as is required in  
8 a common conveyance of land, with a statement of the  
9 purpose for which the same is taken, signed by the select-  
10 men of said town; and upon such filing the title to the  
11 lands, water rights, rights of way, easements or other  
12 real estate so described shall vest in said town.

1     SECT. 3. Said town shall pay all damages sustained  
2 by any person or corporation in property by reason of  
3 such taking, and any person or corporation sustaining  
4 damages as aforesaid, who fails to agree with said town  
5 as to the amount of damages sustained, may have the  
6 damages assessed and determined in the manner provided  
7 by law when land is taken for the laying out of highways,  
8 on application at any time within the period of two years  
9 from the taking of such land or other property.

1     SECT. 4. Said town may, for the purposes of this  
2 act, carry its sewers under any street, railroad, highway  
3 or any other way in such a manner as not unnecessarily  
4 to obstruct the same, and may enter upon and dig up  
5 any private land and do any other thing necessary or  
6 proper in executing the purposes of this act.

1     SECT. 5. In every case of a petition for the assess-  
2 ment of damages, or for a jury, the said town may offer  
3 in court, and consent in writing, that a sum therein

4 specified may be awarded as damages to complainant;  
5 and if the complainant shall not accept the same within  
6 ten days after he has received notice of such offer, and  
7 shall not finally recover a greater sum than the sum  
8 offered, not including interest on the sum recovered in  
9 damages from the date of the offer, the said town shall  
10 be entitled to recover its costs after said date; and the  
11 complainant, if he recovers damages, shall be allowed his  
12 costs only to the date of the offer.

1     SECT. 6. Said town of Natick is hereby authorized to  
2 raise and appropriate in such manner as it shall determine  
3 such sum of money, not exceeding one hundred and fifty  
4 thousand dollars, and not exceeding one hundred thou-  
5 sand dollars beyond the limit of indebtedness now fixed  
6 by law for said town, as shall be required to carry out  
7 the provisions of this act; and for money borrowed may  
8 from time to time issue negotiable bonds, notes or scrip,  
9 payable at the expiration of periods not exceeding thirty  
10 years from the date of issue, and bearing such rate of  
11 interest, not exceeding six per centum per annum, as said  
12 town shall determine. The said town may sell such  
13 securities at public or private sale, or pledge the same  
14 for not less than the par value thereof for money bor-  
15 rowed for the purposes of this act, upon such terms and  
16 conditions as it may deem proper, and may make payable  
17 annually a fixed proportion of the principal of said bonds,  
18 notes or scrip; and said town shall annually raise by  
19 taxation the amount required to meet such interest, and  
20 the proportion of the principal payable annually. The  
21 sinking funds of any loan of said town may be invested  
22 in said bonds, notes or scrip.

1     SECT. 7. In carrying out the plan authorized by this  
2 act, the town of Natick shall at all times manage and

3 dispose of its sewage in such a manner as not to render  
4 injurious to the public health the waters into which any  
5 effluent from its sewage is discharged. If at any time a  
6 nuisance is created, or the waters aforesaid are rendered  
7 injurious to the public health, the state board of health  
8 shall, upon application of the selectmen of any town  
9 adjacent to said Natick, or to the waters aforesaid, alleg-  
10 ing the existence of a nuisance, or the pollution of  
11 the waters aforesaid to such a degree as to be injurious  
12 to the public health, appoint a time and place for a pub-  
13 lic hearing thereon, and give due notice thereof to all  
14 parties interested. After such hearing, the state board  
15 may, if in its judgment there is occasion therefor, order  
16 the town of Natick to abate such nuisance, or to cleanse  
17 or purify the polluting substances before they are dis-  
18 charged into the waters aforesaid in such a manner and  
19 to such a degree that they shall no longer be deleterious  
20 to the public health. Any court having jurisdiction in  
21 equity may, upon the application of said board or the  
22 selectmen of any town authorized by this section to enter  
23 a complaint, by any process or decree, enforce the orders  
24 of said board in the premises.

1 SECT. 8. This act shall take effect upon its passage,  
2 but no expenditures shall be made, or liability incurred  
3 under the same, except for preliminary surveys and  
4 estimates, unless this act shall be first accepted by a vote  
5 of a majority of the legal voters of said town present  
6 and voting thereon at a legal meeting called for that pur-  
7 pose within two years from the passage of this act, and  
8 not more than three of said meetings shall be called each  
9 year during said years.