

HOUSE No. 828.

[Bill accompanying petition of George D. Robinson and others.
Drainage.]

Commonwealth of Massachusetts.

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

AN ACT

Authorizing the Cities of Somerville and Medford to unite in building a Common Sewer in Portions of their Respective Cities.

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 boards of mayor and aldermen of
2 the cities of Somerville and Medford respectively may
3 within that portion of the territory lying within their
4 respective cities and bounded southwesterly by Broad-
5 way in Somerville and easterly by Main street in Med-
6 ford construct such sewers as they shall deem the public
7 health and convenience require, and also a main sewer
8 which shall be built through said territory, and which
9 shall discharge all drainage and sewerage of said territory
10 into the metropolitan sewer at such place as said cities

11 and the metropolitan sewerage commissioners may deter-
12 mine.

1 SECT. 2. Such main sewer or sewers shall be the com-
2 mon property of both of said cities to be used by them
3 in common without restriction in any manner or degree
4 upon each other, and shall be located and constructed
5 within such time and in such manner as the said cities
6 may determine.

1 SECT. 3. Said cities shall pay all the expenses of
2 constructing and maintaining said main sewer or sewers
3 in such proportions as they shall agree, and in case they
4 shall not agree they shall pay all such expenses and the
5 expenses of the commission herein provided for in such
6 proportions as shall be determined by a commission con-
7 sisting of three persons who shall be appointed by the
8 supreme judicial court sitting in and for the county of
9 Middlesex or Suffolk at any time after the passage of
10 this act upon the petition of the mayor of either of said
11 cities or of any person interested in the construction
12 of the sewer herein mentioned after such notice as the
13 court or any justice thereof may order; *provided*, that
14 either of said cities shall have the same right of assessing
15 a proportional part of any expense paid by it for con-
16 structing said sewers or otherwise upon any person
17 receiving benefit thereby to their land in such city or
18 otherwise as it now has for constructing other main
19 drains or common sewers in said city.

1 SECT. 4. Said commissioners shall be sworn to the
2 faithful and impartial discharge of their duties and shall
3 then after due notice of a hearing in such manner and
4 amount as they shall deem just and equitable proportion
5 and assess upon said cities all the expenses mentioned in

6 and incurred under the preceding section and shall deter-
7 mine what territory in each of said cities is benefited by
8 the construction of each of said main sewers and what
9 proportion of the cost thereof assessed by them on either
10 of said cities may be assessed by such city on the terri-
11 tory benefited within its limits, they shall render their
12 award into the supreme judicial court sitting for the
13 county in which they were appointed, and when said
14 award shall have been accepted by said court the same
15 shall be a final and conclusive adjudication of all matters
16 herein referred to said commissioners and shall be bind-
17 ing upon all parties, and said court may enforce the
18 same by proper process.

1 SECT. 5. This act shall take effect upon its passage.

