

# HOUSE . . . . . No. 1006.

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[Bill accompanying the petition of Charles C. Nichols. Drainage.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred.

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### AN ACT

Relative to the Improvement of Brooks, Streams and  
Water Courses in the City of Everett.

*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 city of Everett, for drainage  
2 purposes or for the protection of the public health,  
3 may by its city council with the approval of the  
4 mayor acting in the limits of the city, from time  
5 to time, improve brooks, streams and water  
6 courses, or any part thereof in said city, by widen-  
7 ing the same, removing obstructions in or over  
8 them, diverting the water, altering the courses  
9 or deepening the channels thereof, and may con-  
10 duct any surface or ground water into the same  
11 and may cover or pave any such channel or water

12 course or any part thereof, and may build retain-  
13 ing walls to support the banks of any such stream  
14 or water course or any part thereof within the  
15 said city of Everett, and for the purpose of car-  
16 rying out the provisions of this act, and to make  
17 said improvements, said city may by the vote of  
18 the city council duly approved by the mayor,  
19 purchase or take land in fee simple or otherwise,  
20 on one or both sides of any such brooks, streams  
21 or water courses, or may in the same manner pur-  
22 chase or take land in fee simple or otherwise, to  
23 form new channels into which said water or any  
24 surface or ground water may be diverted within  
25 the limits of said city and may enter into and  
26 upon any land, street or way, and may do thereon  
27 work necessary to any such improvements, and  
28 may construct upon any land purchased or taken  
29 under the authority conferred by this act, such  
30 walks or ways as the city council with the ap-  
31 proval of the mayor may determine that the public  
32 convenience and necessity require.

1 SECTION 2. When land is taken by virtue of  
2 the preceding section, the proceedings shall be the  
3 same as in the laying out of highways or streets  
4 in said city.

1 SECTION 3. Damages occasioned by the mak-  
2 ing of said improvements or by any taking of  
3 land under the provisions of this act, shall be  
4 ascertained and recovered as in the laying out of  
5 highways or streets.

1 SECTION 4. At any time within two years  
2 after any brook or natural stream in said city is  
3 improved in any of the ways mentioned in the  
4 first section of this act, under an order declaring  
5 the same to be done under the provisions of law  
6 authorizing the assessment of betterments, if in  
7 the opinion of the board of aldermen of said city  
8 any real estate in said city, including that, if any,  
9 of which a part is taken therefor, receives any  
10 benefit or advantage therefrom beyond the gen-  
11 eral advantages to all real estate in said city, the  
12 board may determine the value of said benefit and  
13 advantage to such real estate, and may assess  
14 upon the same a proportionate share of the ex-  
15 pense of making such improvement; but no such  
16 assessment shall exceed one-half of such adjudged  
17 benefit and advantage, nor shall the same be made  
18 until the work of making such improvement is  
19 completed. All laws now or hereafter in force  
20 in relation to the assessment and collection of  
21 betterments in the case of the laying out, altering,  
22 widening, grading or discontinuing of ways in  
23 said city shall, so far as the same are applicable  
24 and not inconsistent with the provisions of this  
25 act, apply to the doings of the board of aldermen  
26 under this act; and all persons who are aggrieved  
27 by the assessment of betterments under the pro-  
28 visions of this act shall have the same remedies  
29 which now are or may hereafter be provided by  
30 law for persons aggrieved by the assessment or  
31 levy of betterments in the laying out of ways in  
32 said city.

4 IMPROVEMENT OF BROOKS, ETC. [Feb. 1900.

1 SECTION 5. No person shall destroy or injure  
2 any drainage or sewerage work of said city, or  
3 without lawful authority pollute any natural water  
4 course in said city, or put or maintain any ob-  
5 struction therein; and whoever violates any pro-  
6 vision of this section shall for each offence be  
7 punished by a fine not exceeding five hundred  
8 dollars or by imprisonment in the house of cor-  
9 rection not exceeding three months, or by both  
10 such fine and imprisonment.

1 SECTION 6. This act shall take effect upon its  
2 passage.