

HOUSE . . . . . No. 1257.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 16, 1901.

The committee on Drainage, to whom was referred the petition (with accompanying bill, House, No. 541) of Charles A. Babbett, mayor, for legislation to authorize the city of Fitchburg to construct a system of drains, sewers and sewage disposal and to provide for the cost thereof, report the accompanying bill.

For the Committee,

WARREN P. BABB.

## Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and One.

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### AN ACT

To authorize the City of Fitchburg to establish a  
System of 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 city of Fitchburg is hereby  
2 authorized to lay out, construct, maintain and  
3 operate a system or systems of main drains and  
4 common sewers, for a part or the whole of its  
5 territory, and also a system of sewage disposal  
6 for said city; and for the purposes aforesaid, said  
7 city shall have full power to take, by purchase or  
8 otherwise, any lands, water rights, water privi-  
9 leges, rights of way, or easements in said city of  
10 Fitchburg or in the town of Lunenburg necessary  
11 for the establishment of such system, and said  
12 city of Fitchburg, for the purpose of subdraining  
13 said sewerage plant and system, shall have full  
14 power to take, by purchase or otherwise, two  
15 several strips of land in the town of Leominster,  
16 neither of which shall exceed forty feet in width,  
17 extending from the boundary line between said

18 Fitchburg and said Leominster, and running  
19 therefrom to Baker's brook, so called: *provided*,  
20 *however*, that said strip shall not be taken or pur-  
21 chased nearer than one hundred and fifty feet to  
22 Fallulah road, otherwise called Crawford street;  
23 and *provided, further*, that said city of Fitchburg  
24 shall have the right to drain the effluent from its  
25 sewage beds into said Baker's brook and there-  
26 from into the Nashua river, under such limitations  
27 and restrictions as the state board of health may  
28 prescribe.

1 SECTION 2. When any lands, water rights or  
2 water privileges, rights of way or easements are  
3 so taken, in any manner other than by purchase,  
4 said city shall, within sixty days after such tak-  
5 ing, file in the Worcester northern district registry  
6 of deeds for the county of Worcester, and cause  
7 to be recorded therein, a description of the same,  
8 as certain as is required in a common conveyance  
9 of land, with a statement of the purpose for  
10 which the same is taken, and thereupon the water  
11 rights, water privileges, rights of way, easements,  
12 and the fee of land so taken shall vest in said city.  
13 The city of Fitchburg shall pay such damages as  
14 the owner or owners of lands, rights, privileges,  
15 or easements so taken shall sustain by reason of  
16 such taking, and any owner or owners of lands,  
17 rights, privileges, or easements so taken who fails  
18 to agree with said city as to the amount of dam-  
19 ages sustained, may have the damages assessed  
20 and determined by a jury, on petition to the

21 superior court for the county of Worcester filed  
22 at any time within a period of three years from  
23 the taking of such lands, rights, privileges, or  
24 easements.

1 SECTION 3. Said city is hereby authorized, for  
2 the purposes aforesaid, to issue from time to time,  
3 notes, bonds or scrip, beyond the limit of indebted-  
4 ness fixed by law, to an amount not exceeding  
5 five hundred thousand dollars. Such notes, bonds  
6 or scrip shall be denominated on the face thereof,  
7 "Fitchburg Sewerage Loan, Act of 1901," shall  
8 bear interest at a rate not exceeding five per  
9 centum per annum, payable semi-annually, and  
10 the principal shall be payable at periods of not  
11 more than thirty years from the date of issuing  
12 such bonds, notes or scrip, respectively.

1 SECTION 4. No sewers or other works shall  
2 be constructed under the authority of this Act  
3 until said system of sewerage and sewage disposal  
4 has been approved by the state board of health,  
5 after due notice by said board of the presentation  
6 to it of such system for its approval, by a publica-  
7 tion of such notice with the time and place for a  
8 hearing thereon, in such paper or papers, and at  
9 such time or times, as said board may deem  
10 proper; and said board after such hearing, may  
11 reject such system, may approve it, or may modify  
12 and amend the same, and approve it as so modified  
13 and amended.

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