

SENATE....No. 107.

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Commonwealth of Massachusetts.

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IN SENATE, March 6, 1869.

The Committee on the Judiciary, to whom was committed the Order relative to increasing the authority of selectmen to make and maintain main drains or common sewers, report the following Bill.

Per order of the Committee,

JONA. WHITE.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-Nine.

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### AN ACT

Relating to Drains and Sewers.

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

1    SECT. 1.   The board of aldermen of any city and  
2 the selectmen of any town may lay, make and main-  
3 tain all such main drains or common sewers through  
4 the lands of any persons or corporations as they shall  
5 adjudge to be necessary for the public convenience  
6 or the public health, and may repair the same from  
7 time to time, whenever repairs thereof shall be neces-  
8 sary; and all main drains and common sewers so laid  
9 shall be the property of the city or town laying the  
10 same.

1    SECT. 2.   When any lands or real estate shall be  
2 taken by virtue of this act, the proceedings in the

3 several cities shall be the same, in all respects, as in  
4 the laying out of highways or streets in such cities  
5 respectively; and the proceedings in the several  
6 towns shall be the same, in all respects, as in the  
7 laying out of town ways.

1 SECT. 3. All persons or corporations suffering  
2 damage in their property by reason of the laying,  
3 making or maintaining of any main drains or com-  
4 mon sewers, shall have the same rights and remedies  
5 for ascertaining and recovering the amount of such  
6 damage, in the several cities, as in the case of the  
7 laying out of highways or streets in such cities  
8 respectively, and in the several towns, as in the case  
9 of the laying out of town ways.

1 SECT. 4. Sections one, two and three of chapter  
2 forty-eight of the General Statutes are hereby repealed,  
3 except as to rights and obligations already accrued;  
4 and the remaining sections of said chapter, so far as  
5 the same are applicable, shall apply to the laying out  
6 of drains and sewers under this act.

