

SENATE No. 128.

Commonwealth of Massachusetts.

SENATE, March 24, 1897.

The committee on Drainage, to whom was referred the petition of the Sewer Commissioner of Taunton that said city may be authorized to take land in the town of Berkley for the purpose of treating its sewerage (accompanied by bill, House, No. 707), report the accompanying Bill.

For the Committee,

L. H. BARTLETT.

Commonwealth of Massachusetts.

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

AN ACT

To authorize the City of Taunton to extend its
System of Sewerage.

*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. In addition to the authority con-
2 ferred by chapter two hundred and nineteen of the
3 acts of the year eighteen hundred and ninety-five
4 the city of Taunton is hereby authorized, through
5 its board of sewer commissioners, for the purposes
6 named in said act, to take by purchase or other-
7 wise any land, water rights, rights of way or
8 easements in the town of Berkley: *provided, how-*
9 *ever,* that any land taken for the purpose of a
10 system of sewerage or sewage disposal in said
11 town of Berkley, by virtue of this act, shall be
12 located within a radius of one mile from the
13 junction of the Assonet Neck road, so called, and
14 the road leading westerly therefrom to Peter's
15 Point, so called.

1 SECT. 2. No act shall be done under authority
2 of the preceding section until said system and
3 location has been approved by the state board of
4 health, after due notice by said board of the pres-
5 entation to it of such system for its approval, by
6 a publication of such notice with the time and
7 place of a hearing thereon, in such paper or papers,
8 and at such time or times, as said board may deem
9 proper, and by an official notice in writing to the
10 selectmen of the said town of Berkley; and said
11 board, after such hearing, may reject such sys-
12 tem, may approve it or may modify and amend
13 the same, and approve it as so modified and
14 amended.

1 SECT. 3. Said city may, for the purpose of this
2 act, carry its sewers, drains and sewage force
3 mains under any street, highway or other way in
4 such a manner as not unnecessarily to obstruct
5 the same, and may, in the town of Berkley, enter
6 upon and dig up such street, highway or other
7 way for the purpose of laying, maintaining and
8 repairing any such sewers, drains or force main,
9 and may enter upon and dig up any private land
10 and do any other thing necessary or proper in
11 executing the purposes of this act.

12 The city of Taunton shall be liable under this
13 act for all damages occasioned by it in the same
14 manner as provided by section thirty, chapter
15 twenty-seven of the Public Statutes, where water
16 is brought through another city or town, and the
17 city of Taunton shall also forever save harmless

18 and indemnify the town of Berkley from all costs,
19 damages or expenses which the town of Berkley
20 may suffer or be compelled to pay by reason of
21 any action brought against said town of Berkley
22 under section eighteen, chapter fifty-two of the
23 Public Statutes, or any act in amendment thereto:
24 *provided*, the injury to person or damage to
25 property is caused by the negligence of the city of
26 Taunton while acting under the authority of this
27 act.

1 SECT. 4. When any lands, water rights, rights
2 of way, easements or other real estate are to be
3 taken by said city of Taunton, under and by virtue
4 of this act, in any manner other than by purchase,
5 said city shall file and cause to be recorded in the
6 registry of deeds for Bristol county, northern dis-
7 trict, a description of the same sufficiently accu-
8 rate for identification, with a statement of the
9 purpose for which the same is taken; and upon
10 such filing the title to the lands, water rights,
11 rights of way, easements or other real estate so
12 described shall vest in said city.

1 SECT. 5. Said city shall pay all damages sus-
2 tained by any person or corporation in property
3 by reason of such taking, and any person or
4 corporation sustaining damages as aforesaid who
5 fails to agree with said city as to the amount
6 of damages sustained may have such damages
7 assessed and determined in the manner provided
8 by law when land is taken for the laying out of
9 highways.

1 SECT. 6. Said city of Taunton shall not pay
2 any tax to the town of Berkley for land taken or
3 purchased under and by virtue of this act, or for
4 any improvements therein in preparing said land
5 as a filter bed and for sewage disposal, but, in
6 lieu thereof, shall hereafter annually in the month
7 of September pay to said town of Berkley an
8 amount of money equal to the rate of taxation
9 per thousand dollars in said town of Berkley for
10 the then current year upon a valuation of twenty
11 dollars for each and every acre of land so taken
12 or purchased under and by virtue of this act, plus
13 the value of buildings erected thereon, to be
14 ascertained by the assessors of said town of
15 Berkley, less any discount which may be allowed
16 in any such year by said town of Berkley for
17 voluntary payment of taxes, plus interest from
18 and after the first day of October in any year in
19 which such amount is not paid during the month
20 of September of such year: *provided, however,*
21 that any land from which any revenue in the
22 nature of rent is received from any person occu-
23 pying or using the same shall be the subject of
24 taxation.

1 SECT. 7. This act shall take effect upon its
2 passage.

