

HOUSE . . . . . No. 76.

---

---

[Bill accompanying the petition of the mayor of the city of Newton.  
Cities.]

---

---

Commonwealth of Massachusetts.

---

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

---

AN ACT

To authorize the City of Newton to widen, deepen and straighten the Channels of Streams and Water Courses in said City, and Drain Lands adjacent thereto.

*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 Newton is hereby authorized  
2 from time to time to widen, deepen, straighten the chan-  
3 nels of any or all steams or water courses in said city of  
4 Newton, or any portion thereof, and to drain lands abut-  
5 ting thereupon and adjacent thereto, and for that pur-  
6 pose to take by purchase or otherwise, enter upon and  
7 use, temporarily or otherwise, any lands necessary there-  
8 for, and take therefrom any stones, timber, earth or other  
9 material so far as the same may be convenient and use-

10 ful in affecting such improvements of such streams, water  
11 courses and lands.

1   SECT. 2. The city of Newton shall be liable to pay  
2 all damages that shall be sustained by any persons in  
3 their property by any doings under this act, and the  
4 board of aldermen of said city shall award such damages  
5 to and assess such portion of the cost and expense of  
6 making said improvements, including damages awarded  
7 as aforesaid upon the owner or owners of any and all  
8 estates benefited thereby, as they shall deem just and  
9 equitable.

1   SECT. 3. All assessments made under this act shall  
2 constitute a lien upon the real estate relative to the in-  
3 creased value to which said assessments are made, to be en-  
4 forced in the same manner with like charges for costs and  
5 interest and with the same right of redemption as pro-  
6 vided by law for the collection of taxes upon real estate ;  
7 and all said assessments remaining unpaid shall draw  
8 interest as provided by general law.

1   SECT 4. Any such award or assessment which is in-  
2 valid by reason of any error or irregularity in the making  
3 thereof, or which has been recovered back, may be re-  
4 made by said board, and shall have the same effect and  
5 may be enforced or resisted in the same manner and with  
6 the same effect as the original award or assessment, if  
7 the same had been properly made.

1   SECT. 5. Any person aggrieved by the doings of said  
2 board, either in awarding or refusing to award damages,  
3 or in making assessments as aforesaid, may apply by  
4 petition to the superior court in and for the county of  
5 Middlesex, filed in term time or vacation, within six

6 months after the proceedings complained of; and after  
7 due notice to the city aforesaid, a trial shall be had at  
8 the bar of said court in the same manner and subject to  
9 the same rules and provisions of law applicable to the  
10 trial of similar civil causes. If the court or jury shall  
11 increase the award or reduce the assessment complained  
12 of, the petitioner shall recover costs against the city,  
13 otherwise the city shall recover costs against the peti-  
14 tioner. Final judgments recovered by the city shall, for  
15 the space of one year thereafter, constitute a lien, and  
16 may be enforced in the same manner and to the same ex-  
17 tent in all respects as provided in regard to original  
18 assessments in the third section of this act.

1   SECT. 6. This act shall take effect upon its passage.

