

HOUSE No. 192.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 6, 1889.

The Committee on Drainage, to whom was referred the petition of the city of Newburyport for authority to introduce a system of sewerage and sewage disposal, report the accompanying Bill.

For the Committee,

CHESTER F. SANGER.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-nine.

AN ACT

To authorize the City of Newburyport to construct and maintain a System of Sewerage and 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 Newburyport is here-
2 by authorized, by and through the agency of
3 such persons or committee as the city council
4 of said city in joint convention have elected or
5 may elect or appoint, to lay out, construct and
6 maintain a system of sewerage and sewage dis-
7 posal for said city, in accordance with the general
8 plan which has been approved by the State board
9 of health.

1 SECT. 2. Said city shall have full power to
2 take, by purchase or otherwise, any lands, flats,
3 water rights, rights of way or easements in the
4 city of Newburyport necessary for the establish-
5 ment of such system of sewerage and sewage
6 disposal together with the outlet for the discharge
7 of the sewage into tide water and the connections

8 therewith. Assessments for defraying the ex-
9 pense of constructing and maintaining the
10 common sewers of said system may be made
11 by said city upon persons and estates in the
12 manner provided by chapter fifty of the Public
13 Statutes and acts in amendment thereof, and all
14 the provisions of said chapter and acts applicable
15 shall apply to assessments so laid.

1 SECT. 3. Said city council may by vote deter-
2 mine what proportion of the cost of said system
3 of sewerage said city shall pay : *provided*, that
4 it shall pay not less than one-third of the whole
5 cost.

1 SECT. 4. Said city shall, within sixty days
2 after the taking of any lands, flats, water rights,
3 rights of way, easements or other real estate
4 otherwise than by purchase, under and by virtue
5 of this act, file or cause to be recorded in the
6 registry of deeds for Essex County a description
7 thereof sufficiently accurate for identification,
8 with a statement of the purpose for which the
9 same was taken, signed by the persons or com-
10 mittee provided for in section one.

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 cor-
4 poration sustaining damages as aforesaid, who
5 fails to agree with said city as to the amount of
6 damages sustained, may have the damages

7 assessed and determined in the manner provided
8 by law when land is taken for the laying out of
9 highways, on application at any time within the
10 period of two years from the taking of such land
11 or other property.

1 SECT. 6. Said city may, for the purposes of
2 this act, carry its sewers under any street, wharf,
3 railroad, highway, or other way, in such a manner
4 as not unnecessarily to obstruct the same, and
5 may enter upon and dig up any private land and
6 do any other thing necessary or proper in execut-
7 ing the purposes of this act.

1 SECT. 7. In every case of a petition for the
2 assessment of damages, or for a jury, the said
3 city may offer in court, and consent in writing,
4 that a sum therein specified may be awarded as
5 damages to the complainant; and if the com-
6 plainant shall not accept the same within ten
7 days after he has received notice of such offer,
8 and shall not finally recover a greater sum than
9 the sum offered, not including interest on the
10 sum recovered in damages from the date of the
11 offer, the said city shall be entitled to recover its
12 costs after said date, and the complainant, if he
13 recover damages, shall be allowed costs only to
14 the date of the offer.

1 SECT. 8. Whenever the city council of said
2 city votes to construct a system of sewerage
3 under this act and elects said persons or com-

4 mittee, provided for in section one of this act,
5 said persons or committee and their successors in
6 office shall constitute a construction committee,
7 to contract for the construction and completion
8 of the system of sewerage authorized by this act,
9 said contract to be first submitted to said city
10 council for its approval, and said persons or com-
11 mittee shall exercise all the rights, powers and
12 privileges for that purpose herein granted, have
13 charge of said sewers and system of sewage dis-
14 posal, when completed, as herein provided, and
15 shall hereafter exercise all the rights, powers and
16 authority granted to said city relative to the
17 duties appertaining thereto.

1 SECT. 9. The said city may, for the purposes
2 of paying the necessary expenses and liabilities
3 incurred under the provisions of this act, issue
4 from time to time, bonds, notes or scrip to an
5 amount not exceeding in the aggregate one hun-
6 dred thousand dollars beyond the limit of indebt-
7 edness fixed by law for said city; such bonds,
8 notes or scrip shall bear on the face thereof the
9 words "Newburyport Sewer Loan, Act of 1889,"
10 shall be payable at the expiration of periods not
11 exceeding thirty years from the date of issue,
12 shall bear interest payable semi-annually, at a
13 rate not exceeding six per cent. per annum; but
14 the provisions of chapter twenty-nine of the Pub-
15 lic Statutes and of chapter one hundred and
16 twenty-nine of the Acts of the year 1884 shall

17 otherwise apply to the issue of such bonds, notes
18 or scrip and to the establishment of a sinking
19 fund for the payment thereof at maturity.

1 SECT. 10. This act shall take effect upon its
2 passage.

