

notices of hearings are to be published, etc.

nate the newspaper or newspapers in which the same are to be published, and shall transmit such notices to the auditor, with the designation of the newspapers endorsed thereon. The auditor shall thereupon transmit such notices to said newspapers for publication and shall give such directions as he may see fit as to the manner of publication, with a view to reducing the expense of such advertisements to a minimum. The auditor may, in his annual report, recommend any changes in the system of advertising notices of committee hearings which he deems to be for the best interests of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 10, 1897.

Chap. 504 AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO CONSTRUCT
A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows :

May construct, etc., a system of sewerage, etc.

SECTION 1. The town of Lexington is hereby authorized, through a board of commissioners to be elected as hereinafter provided, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, and such connections and other works as may be required for a system of sewage disposal for said town, to be constructed, maintained and operated in connection with the main sewers and other works required to be constructed, maintained and operated, and said board for the purpose of providing better surface or other drainage for any part or parts of said town, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as they deem best, may within the limits of said town deepen, widen and clear of obstructions any brook, stream or water course, and straighten, alter or divert the courses or channels thereof.

May lay main drains, etc.

Sewer commissioners, election, terms, etc.

SECTION 2. Said board shall consist of three commissioners, to be called the Board of Sewer Commissioners of the Town of Lexington, who shall be citizens and residents of said town and shall be elected by ballot at a special meeting or at an annual meeting of said town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting next succeeding the

date of his election or until his successor is elected and qualified; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years, or until his successor is elected and qualified. If a vacancy shall occur in said board said town may, at a meeting called for the purpose, elect a person duly qualified to fill said vacancy.

Vacancy.

SECTION 3. Said board of commissioners, acting for and in behalf of said town, shall have full power to take by purchase or otherwise any lands in fee and any water rights, rights of way and easements in said town, public or private, of any persons or corporations, necessary for the establishment of such systems of main drains and sewers and sewage disposal, or for any of the purposes mentioned in section one of this act, and may divert streams and water courses, and may construct within said town such main drains and sewers under or over any water course, bridge, railroad, highway, boulevard or other way, or within the location of the Middlesex Central railroad, now operated under a lease to the Boston and Maine Railroad, and may enter upon and dig up any private land, street or way, or railroad location, for the purpose of laying such main drains and sewers beneath the surface thereof, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that they shall not take any land of any railroad corporation in fee and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, excepting at such time and in such manner as they may agree upon with such corporation, or in case of failure to agree, as may be approved by the board of railroad commissioners. No sewerage or water from any under drain of any sewer shall be discharged or allowed to flow directly or indirectly into any pond, reservoir, stream or water course forming a portion of the water supply of the town of Arlington; nor shall said water supply be contaminated in any other manner. No consent or approval of the state board of health shall prejudice, affect or impair the rights of the town of Arlington to recover from the town of Lexington all damages it may sustain by reason of any injury to its water supply or otherwise, under the provisions of this act.

May take lands, water rights, etc.

May divert streams, dig up private land, etc.

Proviso.

Not to affect certain rights, etc., of the town of Arlington.

Description of
lands, etc., to
be recorded.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, a statement signed by the majority of said board, containing a description thereof, as certain as is required in a conveyance of land, and specifying therein that the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in said town of Lexington, which shall pay all damages therefor, and all other damages which shall be sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing and may agree with the person or corporation injured upon the damages sustained by any such person or corporation, for any taking of property or rights for the purposes aforesaid, or otherwise sustained under any of the provisions of this act, and if the damages are not agreed upon a jury in the superior court for said county may be had to determine the same upon petition of the aggrieved party, in the manner provided by law for determining the damages to be paid for land taken for highways; but in case of a taking no suit or petition shall be brought after two years from the date of the recording of the taking as herein provided, and in all other cases no suit or petition shall be brought after two years from the time when the cause of action first accrues.

Damages.

Town may offer
a specified sum,
etc.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of said court an offer in writing to pay the petitioner a sum therein specified as damages; and if said petitioner does not accept the same within ten days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of said notice, and the petitioner if he does not recover damages to an amount greater than the amount specified in said offer shall be entitled to costs only to said date.

Apportionment
of expense, etc.

SECTION 6. The owners of estates benefited and abutting on streets or ways, public or private, in which sewers

shall be laid, under the provisions of this act, shall pay to said town towards defraying the cost of such sewers, systems of sewerage and sewage disposal, an assessment or charge as follows:— Twenty-eight cents per running foot frontage on the street or way on which a sewer is constructed, and fifty-two one hundredths of a cent per square foot area within a depth of one hundred feet from the line of such street or way, the area of corner lots being measured to the line bisecting the angle formed by the streets; but no estate shall be deemed benefited unless or until a sewer is constructed into which it can be drained. The remainder of the cost of said system or systems shall be borne by the town. No particular or other sewer from any estate or part of an estate, not already assessed or not liable to assessment or charge, as provided above, shall be entered into a common sewer, except upon the payment of such an assessment or charge, and upon such other terms and conditions as the board of sewer commissioners shall fix and determine. Upon the completion of a sewer in any street or way, or portion of a street or way, public or private, included within any systems hereby authorized to be constructed, and when the same is ready for use, the board of sewer commissioners may file a certificate with the town treasurer, designating the street or way, or portion of the street or way, in which the sewer has been completed, and setting forth the names of the owners of the estates abutting and benefited, and the amount of assessment or charge to be paid by each, and referring to a plan on file in the town clerk's office, or in such other office as the board shall determine, which plan shall show the frontage, the area assessed, the name of the owner and the amount of the assessment of each estate abutting on said street or way and benefited by said sewer; and the treasurer shall forthwith, upon the receipt of such certificate, make a demand in writing for the payment of said assessments or charges, and every such owner shall within three months after such demand is served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to the town treasurer, pay the sum so assessed or charged, to the town treasurer: *provided*, that said board shall, on the written request of any such owner made within said three months, apportion such assessment or charge into such number of equal parts or instalments,

Apportionment
of expense, etc.

Payment, etc.,
of assessments.

Proviso.

not exceeding ten, as said owner shall state in such request, and they shall certify such apportionment to the assessors; interest from the date of said apportionment at the rate of five per cent. per annum shall be added to each of said assessments or charges until they are paid, and one of said parts shall be added by the assessors to the annual tax on such estates for each year next ensuing, until all said parts have been so added, unless sooner paid as hereinafter provided; and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments or charges then remaining unpaid; but interest on such balance at the rate of five per cent. per annum shall be paid to the date of such payment; and thereupon the town treasurer shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewered street the same area shall not be assessed more than once.

Proviso.

Assessment to constitute a lien upon estate, etc.

SECTION 7. An assessment made under section six shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above-provided, or, in case of apportionment, until the expiration of two years from the time the last instalment is committed to the said collector of taxes; and said assessment, if not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due, may, together with interest thereon at the rate of six per cent. per annum, with incidental costs and expenses, be levied by sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessment or parts thereof may also be collected by an action of contract, in the name of the town of Lexington, against the owner of said estate brought at any time within three years after the same has become due.

May be collected by an action of contract.

Persons aggrieved may apply for a jury.

SECTION 8. Any person aggrieved by such assessment may, at any time within three months after service

of the demand mentioned in section six of this act, apply to the superior court of said county for a jury to revise the same; but before making such application he shall give to the said commissioners fourteen days' notice in writing of his intention so to do, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

SECTION 9. The town of Lexington, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred and sixty thousand dollars, and may issue from time to time as may be required therefor, bonds, notes or scrip; and the debt and loan authorized by this act, and the notes, bonds or scrip issued therefor, shall not be considered or reckoned in determining the authorized limit of indebtedness of said town under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof or in addition thereto. Such bonds, notes or scrip shall bear on their face the words, Lexington Sewerage Loan, shall be payable within periods not exceeding forty years from the date of issue, and shall bear interest payable semi-annually at such rate, not exceeding five per cent. per annum, as the selectmen may determine. Said bonds, notes or scrip shall be signed by the treasurer of said town and shall be countersigned by a majority of the selectmen. The said town may from time to time sell such securities, or any part thereof, at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided that they shall not be sold or pledged for less than the par value thereof; the proceeds thereof shall be retained in the treasury, and the treasurer shall upon the order of said board of commissioners pay therefrom the expenses incurred for the purposes aforesaid.

SECTION 10. Instead of establishing a sinking fund the said town may at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of said town in each year thereafter, in the same manner as other

Lexington
Sewerage Loan.

May provide for
annual pay-
ments on loan.

taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes, until the debt incurred by said town shall be extinguished.

Payment of expenses, etc.

SECTION 11. The receipts from assessments, and payments made in lieu thereof under this act, and the premiums, if any, received from the sale of bonds, notes or scrip issued under the authority of this act, shall be applied by the board of sewer commissioners to the payment of the charges and expenses for and incident to the maintenance and operation of said systems of sewerage, and for the payment of the further extension of the said system or systems, except that said town may apply any portion of such receipts to the payment of the interest upon said bonds, notes or scrip issued under authority of this act not otherwise provided for, or to the payment or redemption of said bonds, notes or scrip, as the said town shall by vote determine, and said receipts shall be used for no other purpose. If said receipts shall not be sufficient for said purposes in any year then in such case said town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, the balance required therefor.

Clerk and superintendent, appointment, etc.

SECTION 12. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, neither of whom shall be one of their own number, and may remove said clerk or superintendent at their pleasure. The compensation of said clerk and superintendent and of said commissioners shall be fixed by said town.

Contracts.

SECTION 13. All contracts made by said board of commissioners for the purposes of this act shall be the contracts of said town, and shall be signed by said board; but no contracts shall be made or obligations incurred by said commissioners for the laying out and construction of said systems of sewerage in excess of the amount of money appropriated by the town therefor.

Rules, regulations and penalties.

SECTION 14. Said board of commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with said main drains and sewers, and for the inspection of materials, construction, alteration or use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules or

regulations shall be published not less than once a week for three successive weeks in some newspaper published in the county of Middlesex, and shall not take effect until such publication has been made.

SECTION 15. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof, also of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two, so far as applicable and not inconsistent with this act, shall apply to the town of Lexington in carrying out the provisions of this act.

Certain provisions of law to apply.

SECTION 16. This act shall take effect upon its passage ; but no expenditure shall be made nor any liability incurred under the same unless this act shall first be accepted by vote of a majority of the legal voters of said town of Lexington present and voting thereon at a legal meeting called for that purpose within one year from the date of its passage. Said town may elect said board of sewer commissioners, as provided in section two, at the same meeting at which it accepts this act.

When to take effect, etc.

SECTION 17. No act shall be done under the authority of the preceding sections until said system of sewerage shall have been approved by the state board of health. Upon application to said board for such approval the board of water commissioners of the town of Arlington shall be notified by the state board of health of a hearing upon said application. At such hearing plans, showing in detail all the work to be done in constructing said system of sewerage, shall be submitted for the approval of the state board of health. *Approved June 10, 1897.*

System of sewerage to be approved by state board of health.

AN ACT RELATIVE TO LAW LIBRARY ASSOCIATIONS.

Chap. 505

Be it enacted, etc., as follows :

SECTION 1. The provisions of chapter one hundred and fifty-three of the acts of the year eighteen hundred and ninety-seven shall not apply to so much of the fees from clerks of courts and to naturalization fees as heretofore were payable to law library and bar associations, nor to any other sums of money specifically provided by law to be paid for the use of said associations.

1897, 153, not to apply to certain fees.

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

Approved June 10, 1897.