

HOUSE No. 556

Bill accompanying the petition of John M. Woods, mayor, for legislation to provide for the construction of bridges and ways over the railroads at Lowell street in the city of Somerville. Cities. January 25.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To provide for the Construction of Bridges over the Railroads at Lowell Street in the City of Somerville.

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 Somerville is hereby author-
2 ized within five years after the passage of this act to
3 construct bridges, not exceeding forty-five feet in width,
4 and approaches thereto, across all the railroad tracks of
5 the Boston & Lowell Railroad Corporation now leased
6 to the Boston & Maine railroad, in continuation of the
7 public way known as Lowell street in said city. Before
8 said bridges and approaches are constructed the approval

9 of the board of railroad commissioners shall first be ob-
10 tained.

1 SECTION 2. For the purpose of carrying out the pro-
2 visions of this act the city may take lands and rights
3 in lands in the manner provided by law for the laying
4 out of public ways in said city and may take an ease-
5 ment in land adjoining the location of said approaches
6 consisting of a right to have the land of the location
7 protected by having the surface of such adjoining land
8 slope from the boundary of said location.

1 SECTION 3. Any person entitled by law to damages
2 for the taking of or injury to his property under the
3 authority of this act may have the same determined by
4 a jury in the superior court for the county of Middlesex,
5 on petition therefor filed within one year after the taking
6 in the same manner, so far as practicable, as that in
7 which damages are determined for the taking of land for
8 highways in said city.

1 SECTION 4. Upon the application of the board of
2 aldermen of the city of the directors of either of the
3 railroad corporations for the appointment of a commis-
4 sion, the superior court shall cause notice thereof to be
5 given to the other parties interested fourteen days at least
6 before the time fixed for the hearing, and thereupon,
7 after a hearing, shall appoint a commission of three dis-
8 interested persons who shall, after notice to and a hearing
9 of the parties, determine which party shall pay the ex-
10 penses of constructing said bridges and approaches,
11 including damages aforesaid, and shall bear the future
12 charges and expense for keeping said bridges and ap-
13 proaches in repair, or it may apportion all such charges

14 and expenses between the railroad corporations and said
15 city and shall make its award in writing and return the
16 same into court.

1 SECTION 5. A party who is aggrieved by the award
2 of said commission may, within fourteen days after notice
3 that it has been so returned, apply to the court for a
4 jury to revise and determine any matter of fact found
5 therein; and thereupon the court, after notice to all
6 parties interested, shall order a trial by jury in the same
7 manner as civil cases are tried by jury. The decree of the
8 court upon said award or upon the verdict of a jury
9 shall be final and binding, and said court shall have juris-
10 diction in equity to enforce compliance therewith, and
11 also to issue and enforce such interlocutory decrees and
12 orders as justice may require.

1 SECTION 6. Any party may, in an action of contract,
2 recover of any other party the proportion awarded to be
3 paid by such other party, with interest; and if the party
4 so designated unreasonably neglects or refuses to carry
5 the award into effect, any other party who is affected by
6 such neglect or refusal may proceed to do it, and may,
7 in an action of contract, recover from each or all of the
8 others the proportion awarded to be paid by it or them,
9 respectively, and from the party so neglecting or refusing,
10 all charges, expenses and costs occasioned thereby.

1 SECTION 7. For the purpose of paying in whole or
2 in part the cost of said bridges and approaches, and all
3 expenses incidental thereto, the city of Somerville may
4 from time to time issue bonds in excess of the limit
5 allowed by law, to an amount not exceeding thirty thou-
6 sand dollars and designated on the face thereof, Lowell

7 Street Bridge Loan. Such bonds shall bear interest
8 payable semi-annually at a rate not exceeding four per
9 cent per annum, and shall be payable at such time or
10 times not less than ten nor more than forty years from
11 their respective dates, as shall be determined by said
12 city by vote of its city council and as shall be expressed
13 upon the face of the bonds.

1 SECTION 8. This act shall take effect upon its passage.