

Any person or corporation who shall neglect to make application as herein provided shall be concluded upon the question of damages by the determination of the selectmen.

SECTION 4. The amounts awarded as damages as aforesaid shall be paid by the town of West Springfield, and the sums so paid and all the costs and expenses incurred by the town incident thereto, shall be taken to be a part of the expenses of maintaining, repairing and rebuilding said dikes, and shall be borne in the same proportions, and by the same parties, and assessed and collected in the same manner, as is provided in said act for said expenses.

*Approved June 12, 1869.*

Damages awarded to be paid by West Springfield, and to be deemed part of expenses of maintaining dikes.

AN ACT CONCERNING SIDEWALKS IN THE CITY OF WORCESTER.

*Chap. 390*

*Be it enacted, &c., as follows :*

SECTION 1. The city council of the city of Worcester is hereby authorized to establish and grade sidewalks and set curbstones in such streets in said city as the public convenience may require, and construct the same with such material as the city council shall deem expedient ; and may, in like manner, from time to time, re-establish, grade, reconstruct and repair such sidewalks and curbstones, and any sidewalks and curbstones heretofore established in said city ; and may assess upon the abutters on such sidewalks the whole or any part of the expense of the same, that portion of the expense not so assessed being paid by said city. All assessments so made shall be a lien upon the abutting lands in the same manner as taxes are a lien on real estate, and may be collected in the same manner as taxes on real estate are now collected.

May establish and grade sidewalks.

May assess expense upon abutters.

Assessments to be lien upon estate and collected like other taxes.

SECTION 2. This act shall take effect whenever the city council of said city shall accept the same.

When to take effect.

*Approved June 12, 1869.*

AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITY OF CAMBRIDGE, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

*Chap. 391*

*Be it enacted, &c., as follows :*

SECTION 1. The mayor and aldermen of the city of Cambridge may order the owners of the land in said city, or any of them, situated and lying within the district which is bounded on the north-east by Broadway, on the south by Main Street, and on the west by Moore and Gilpin Streets, to raise the grade of said land, filling up the same with good material to a grade not less than twelve feet above mean low-water, with reference to a complete drainage thereof, and to the abatement of the present nuisance and to preserve the health of the city.

Owners of certain lands in Cambridge may be ordered to raise grade.

Order to be made in writing and served upon owners.

SECTION 2. Such order shall be made in writing and served upon said owners or their authorized agents in the manner prescribed in section nine of chapter twenty-six of the General Statutes, for the service of orders made by boards of health for the abatement of nuisances.

If owner fails to comply, mayor and aldermen may raise the grade, and expense to be lien upon land, and amount collected like taxes.

SECTION 3. If the owner of any such land fails to comply with such order within three months after the service of said notice, the mayor and aldermen of said city may raise the grade thereof, filling up the same with good materials to a height not more than twelve feet above mean low-water, and all necessary expenses incurred thereby shall constitute a lien upon said land, and may be collected in the manner now provided for the collection of taxes upon real estate; and at any sale of said lands taken for non-payment of said expenses, the city collector shall have the same right to purchase said land in behalf of the city of Cambridge as the city collector now has by law in the case of lands sold for taxes.

Persons dissatisfied with assessment may apply to county commissioners within six months.

SECTION 4. Any person entitled to any estate in any part of the land the grade of which shall be so raised by the said mayor and aldermen, who shall be dissatisfied with the assessment of the expense of raising the grade of his land may, within six months after receiving notice of said assessment, make a complaint to the county commissioners in the county of Middlesex. Said commissioners shall thereupon order a jury, who shall have power to revise said assessment in the same manner as is provided in chapter forty-three of the General Statutes in cases where persons are aggrieved by the assessment of damages by selectmen. If the assessment is reduced the charges arising on said complaint shall be paid by the city of Cambridge; otherwise the same shall be paid by the complainant.

Commissioners to order jury.

Costs.

Persons dissatisfied may notify city thereof within sixty days.

SECTION 5. Instead of making a complaint to the county commissioners, as provided in the preceding section, any person dissatisfied with the assessment of the expense of raising the grade of his said land, may give notice thereof to said mayor and aldermen within sixty days after he shall receive notice of said assessment, and the city of Cambridge shall thereupon take said land, and shall, within sixty days thereafter, file in the office of the registry of deeds, for the southern district of the county of Middlesex, a description of the land so taken as certain as is required in a common conveyance of lands, together with a statement that the same is taken pursuant to the provisions of this act, which said description and statement shall be signed by the mayor, and the title to lands so taken shall vest in the city of Cam-

City to take property and pay damages to owner forthwith if parties agree.

bridge; and if any party whose land is so taken shall agree with the said city upon the damage done to him by the said taking, making due allowance for the improvement by raising the grade of said land, the same shall be paid to him by the said city forthwith. If any party shall not agree with the city as to the damage done him by such taking, he may within six months from the filing of such description and statement, apply to the county commissioners as above provided, for a jury to determine the damage so done him, making due allowance for the improvement by raising the grade of said land, and the proceedings shall be according to the provisions of said chapter forty-three of the General Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum before offered by the city, all charges shall be paid by the city; otherwise the charges arising on such application shall be paid by the applicant.

If parties do not agree, owner may apply to commissioners for jury.

Costs.

SECTION 6. Nothing in this act shall be construed as exempting the city of Cambridge from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury done by order of the mayor and aldermen of said city to such lands in any acts of raising, filling or draining said territory or any part thereof.

City not exempted from damages to land without territory described in this act.

SECTION 7. All grading done under this act shall be done within five years from the passage hereof.

Grading to be done within five years.

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

*Approved June 12, 1869.*

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO SUBSCRIBE FOR AND HOLD STOCK IN THE EXETER AND SALISBURY RAILWAY COMPANY.

*Chap. 392*

*Be it enacted, §c., as follows:*

SECTION 1. The city of Newburyport is hereby authorized to subscribe for, and hold shares in the capital stock of the Exeter and Salisbury Railway Company, to an amount not exceeding one per centum of its valuation, for the year eighteen hundred and sixty-nine, and to pay for the same out of the treasury of said city, and said city is hereby authorized to raise by loan upon bonds, or tax or otherwise, any and all sums that may be necessary to pay therefor, and may hold and dispose of the same like other city property: *provided*, that the legal voters of said city, who may be present and voting thereon, shall vote to accept this act, at a

Newburyport may take stock in Exeter and Salisbury Railway Company.

May raise money by loan or tax.

Proviso.