

SENATE No. 203

To accompany the petition of John R. Wallace and others for the improvement of Humphrey street in the town of Swampscott. Counties.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

To improve Humphrey Street in the Town of Swampscott.

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 county commissioners of the
2 county of Essex are hereby authorized and directed
3 to lay out a highway commencing at or near the
4 westerly end of Monument square in the town of
5 Swampscott and running in a general easterly di-
6 rection to the junction of Humphrey and Orient
7 streets so called. Said highway shall be seventy feet
8 in width and shall conform in a general way to the
9 plans on file with the highway commission.

1 SECTION 2. For the purpose aforesaid said com-
2 missioners are hereby authorized to relocate, alter,

3 widen and discontinue existing highways or other
4 ways or parts thereof, and to order specific repairs
5 thereon and to take or purchase any lands, rights or
6 easements which may be required to carry out the
7 purposes of this act, and to purchase or take in fee
8 any or all the lands and property adjoining the pro-
9 posed highway between said Monument square and
10 said Orient street, but not exceeding two hundred
11 feet in width of said property on each side of the
12 proposed highway measured from the boundary
13 line thereof. Upon the completion of said highway
14 said commissioners are hereby authorized to sell
15 any land or property taken or purchased by them
16 under authority hereof and not needed for the pur-
17 pose aforesaid. In order to take any land or rights
18 in land the commissioners shall cause to be recorded
19 in the registry of deeds for the southern district of
20 the county of Essex a description of the lands or
21 rights taken with a statement signed by them for the
22 purpose for which they were taken, and with a plan
23 of any land so taken. They shall estimate the dam-
24 age to property if any sustained by any person by
25 such taking of lands, rights or easements or by the
26 laying out of the highway as aforesaid or by the
27 relocation, alteration, widening or discontinuance
28 of existing highways or other ways, or by specific
29 repairs ordered to be made thereon. Any person
30 aggrieved thereby may proceed within one year
31 after the filing of said statement to have his damage
32 determined in the same manner as in the case of
33 land taken for highways, but in no event shall in-
34 terest be recovered against the county for more
35 than four per cent per annum.

1 SECTION 3. Upon the completion of the laying
2 out of said highway by the county commissioners a
3 seventy foot highway shall be constructed in accord-
4 ance with the plans and specifications on file with
5 the highway commissioners, and under their direc-
6 tion and supervision as follows: The town of
7 Swampscott shall do the necessary grading to the
8 finished subgrade line, build granolithic sidewalks
9 with curbs, build the necessary retaining walls, con-
10 struct all necessary drainage, including any renewal
11 which may be necessary in the present underground
12 structures and connections. The Massachusetts
13 highway commission shall construct the roadway
14 above the finished subgrade from a line eighteen
15 inches outside the car tracks to the sidewalk curb on
16 each side of said car track. Said roadway shall be
17 constructed of best quality wood block pavement
18 upon a cement base.

19 The Bay State street railway shall, provided a lo-
20 cation for double tracks along said way is granted it
21 by the proper authorities of the town of Swamp-
22 scott, lay suitable girder rails along said way from
23 said point at Monument square on Humphrey street
24 to said point at the junction of Humphrey street
25 and Orient street in said Swampscott, and shall
26 construct so much of said roadway as shall lie be-
27 tween its rails and eighteen inches outside thereof
28 on either side, for a total width of eighteen feet, of
29 the same kind and quality block pavement upon a
30 cement base as is used by the highway commission.
31 Said rails shall be laid and said road constructed by
32 said railway in conjunction with the construction of
33 said roadway by the Massachusetts highway com-

34 mission and subject to the commission's approval.
35 The double track location to be granted the said
36 railway company along said highway shall be ac-
37 cepted as full compensation for any loss or damage
38 to which the said railway might otherwise be en-
39 titled.

1 SECTION 4. For the purposes of this act the coun-
2 ty commissioners of the county of Essex are hereby
3 authorized to borrow from time to time on the credit
4 of the county sums not exceeding one hundred thou-
5 sand dollars in the aggregate, for periods not ex-
6 ceeding _____ years.

1 SECTION 5. For the purposes of meeting the ex-
2 penditures hereby authorized by the Massachusetts
3 highway commission the treasurer and receiver gen-
4 eral is hereby empowered, with the approval of the
5 governor and council, to issue scrip or certificates
6 of indebtedness to an amount not exceeding seventy-
7 five thousand dollars, for a term not exceeding
8 _____ years. Such scrip or certificates of
9 indebtedness shall be issued as registered bonds or
10 with interest coupons attached and shall bear inter-
11 est at a rate not exceeding four per cent per annum,
12 payable semi-annually. They shall be designated
13 on their face " State Highway Loan " and shall be
14 countersigned by the governor and shall be deemed
15 a pledge of the faith and credit of the common-
16 wealth. The principal and interest thereof shall be
17 paid at the time specified therein in gold coin of the
18 United States or its equivalent; they shall be sold
19 at public auction or deposited in such other manner
20 and at such times and prices in such amounts and at

21 such rates of interest not exceeding the rate above
22 specified as shall be deemed best.

1 SECTION 6. After the laying out of said highway
2 said county commissioners may assess betterments
3 under the provisions of chapter fifty of the Revised
4 Laws of the commonwealth and acts in amendment
5 thereof and in addition thereto.

1 SECTION 7. No member of the board of county
2 commissioners of the county of Essex shall be dis-
3 qualified from serving under this act by reason of
4 his residence in a town within the limits of which
5 said highway is located, any provision of section
6 twenty of chapter twenty of the Revised Laws to
7 the contrary notwithstanding.

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

