

SENATE . . . . . No. 355.

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Commonwealth of Massachusetts.

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SENATE, June 3, 1902.

The committee on Cities, to whom was referred the Bill relative to highways in the city of Boston (Senate, No. 37, taken from the files of last year), report, in part, the accompanying bill.

For the Committee,

DAVID MANNING.

Representatives BRIGHAM and DOWD dissent.

## Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Two.

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### AN ACT

Relative to Assessments of Betterments for Certain  
Public Improvements in the City of Boston.

*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 board of street commissioners  
2 of the city of Boston, within one year after the  
3 day of the passage of this act, may determine the  
4 value of the benefit and advantage to each and  
5 every parcel of real estate in said city beyond the  
6 general benefit to all real estate therein from the  
7 whole or part of any public improvement com-  
8 pleted by the city within six years before said  
9 day, consisting of laying out, relocating, alter-  
10 ing or widening, with or without construction or  
11 sewer, a highway, highway and parkway, public  
12 way or public alley, or of changing the grade  
13 of, or constructing with or without a sewer, a  
14 highway, highway and parkway, public way or  
15 public alley, or of constructing a sewer, and

16 may assess on each such parcel a proportional  
17 share not exceeding one-half thereof of the  
18 expenses incurred by the city for such whole or  
19 part, exclusive of the expenses for surface drain-  
20 age, for sewers and their connections in excess of  
21 four dollars per linear foot thereof, and of all ex-  
22 penses for water pipes, gas pipes and their  
23 connections: *provided, however*, that no assess-  
24 ment on any parcel of real estate shall exceed  
25 the value of said benefit for that parcel, and that  
26 no parcel of real estate for which any assessment  
27 on account of any such improvement shall have  
28 been paid shall be subject to another assessment  
29 for that improvement; and *provided, further*,  
30 that no land within any location of a railroad  
31 company shall be subject to such assessment.  
32 Said board, at the request of any person on  
33 whose real estate an assessment on account of  
34 any such improvement has been made and is not  
35 paid, or is paid under protest, and a suit brought  
36 within three months after the payment, shall  
37 revise the assessment, and remit any part of an  
38 assessment not paid, and give a certificate for  
39 repayment of any part of an assessment paid  
40 under protest as aforesaid, so that the assessment  
41 will conform to assessments made under the pro-  
42 visions of this act, and the city treasurer shall  
43 repay the amount authorized by the certificate  
44 from the appropriation from which said expenses  
45 were paid.

1 SECTION 2. The provisions of sections fifteen

2 to eighteen inclusive of chapter three hundred and  
3 twenty-three of the acts of the year eighteen  
4 hundred and ninety-one as amended, so far as  
5 applicable and not inconsistent herewith, shall  
6 apply to assessments made under this act.

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