

# HOUSE . . . . . No. 1412.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 8, 1903.

The committee on Roads and Bridges, to whom was referred the petition (with accompanying bill, House, No. 1092) of Daniel N. Crowley for legislation to authorize the rebuilding or relocating of the highway or causeway over Waters river at Danvers and to provide for apportioning the cost thereof, report the accompanying bill.

For the committee,

D. W. DAVIS.

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HOUSE OF REPRESENTATIVES, April 21, 1903.

The committee on Counties on the part of the House, to whom was referred the bill to authorize the county commissioners of the county of Essex to construct a causeway over Waters river in the town of Danvers report that the same ought to pass with an amendment adding at the end of section one the words:—provided, however, that the total expense thereof shall not exceed the sum of twenty-five thousand dollars.

For the committee,

CHARLES L. UNDERHILL.

## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

### AN ACT

To authorize the County Commissioners of the County of Essex to construct a Causeway over Waters River in the Town of Danvers.

*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 directed, authorized  
3 and empowered, if in their judgment public neces-  
4 sity and convenience require, subject to the pro-  
5 visions of chapter ninety-six of the Revised Laws,  
6 to widen, rebuild, relocate, alter or reconstruct  
7 the causeway or highway across Waters river in  
8 said Danvers at Hussey's Mill, so-called, and to  
9 make and construct all suitable approaches thereto  
10 and all suitable and proper railings, walls and  
11 abutments thereon, and to fill in the flats of said  
12 river and take such land as may be necessary for  
13 the execution of the power and for the purposes  
14 herein provided and granted to said commis-  
15 sioners.

1 SECTION 2. The provisions of chapter forty-  
2 eight of the Revised Laws relative to land taken  
3 or to be taken for highways by the county com-  
4 missioners shall apply to any land taken for the  
5 purposes of this act.

1 SECTION 3. The said county commissioners,  
2 after said rebuilding, relocating, widening or alter-  
3 ing is completed, shall, after due notice to the  
4 parties interested, and after hearing such parties,  
5 proceed to determine, apportion and assess on said  
6 county, on the town of Danvers, the towns adjoin-  
7 ing the town of Danvers, the city of Salem and  
8 any street railway corporation owning a track or  
9 operating cars over a track located on said cause-  
10 way, such amount, and in such proportions as  
11 they deem just, of the cost of said work done  
12 under this act.

1 SECTION 4. If any location of a street rail-  
2 way company which has been assessed under the  
3 provisions of the preceding section shall at any  
4 time hereafter be so changed or revoked under  
5 authority of law, without its consent, as to render  
6 impossible, or in the opinion of the board of rail-  
7 road commissioners unprofitable, the further exer-  
8 cise of the privilege of operating its railway  
9 upon said causeway and the highway leading  
10 thereto, the amount assessed upon and actually  
11 paid by such company under the provisions of  
12 this act shall be ascertained by the board of rail-  
13 road commissioners and certified to the treasurer  
14 of the county of Essex, who shall pay the same

15 to the company from the treasury of said county;  
16 and the assessment of such moneys shall be levied  
17 upon the cities and towns of said county in such  
18 proportions as the county commissioners may  
19 determine.

1     SECTION 5. Any street railway company now  
2 operating cars over said highway and causeway  
3 shall relay its present track or may construct,  
4 maintain and use a double track in such position  
5 thereon as said county commissioners shall indi-  
6 cate; and the amount of any assessment paid by  
7 said company under section three of this act and  
8 the cost of any work in laying and changing its  
9 railway in conformity to the decree of said com-  
10 missioners shall be deemed and taken in all pro-  
11 ceedings thereafter, as a part of the value of its  
12 property for street railway purposes; and may  
13 issue stock or bonds to meet the expenses in-  
14 curred under this act to the amount approved  
15 by the board of railroad commissioners as reason-  
16 ably necessary to provide for the payment thereof.

1     SECTION 6. Said county commissioners are  
2 hereby authorized and empowered, on the com-  
3 pletion of the work herein authorized to be done,  
4 to discontinue so much of the existing causeway  
5 or highway over said river as they deem public  
6 necessity and convenience no longer requires to  
7 be maintained.

1     SECTION 7. This act shall take effect upon its  
2 passage.