

# HOUSE . . . . . No. 838.

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Bill accompanying the petition of Charles W. Pond and another for legislation to authorize the town of Wrentham to lay out special town ways for the use of street railway companies. Street Railways and Towns, sitting jointly. January 26.

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Five.

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### AN ACT

To authorize the Town of Wrentham to lay out  
Special Town Ways for the Use of Street Rail-  
way Companies.

*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 town of Wrentham may lay  
2 out special town ways for railways operated by  
3 any motive power except steam. Such ways may  
4 cross highways and town ways, at grade or  
5 otherwise, and shall be laid out, altered and dis-  
6 continued in the manner provided by law in the  
7 case of town ways, except that the selectmen

8 shall exercise the powers conferred on the road  
9 commissioners, if any such commissioners are  
10 chosen by the town, and that there shall be no  
11 appeal to the county commissioners; and the  
12 rights and remedies of all persons interested  
13 shall be the same, so far as they may be appli-  
14 cable, as those provided in the case of town  
15 ways. There may be included in such ways  
16 land necessary or convenient for approaches, and  
17 for buildings or other structures used in the  
18 operation of such railways.

1 SECTION 2. The selectmen of the town may  
2 grant locations in such ways to street railway  
3 companies, subject to the terms, conditions and  
4 obligations authorized by law in the case of  
5 grants of locations to street railway companies  
6 in public streets, and may require any company  
7 to which a location is granted to pay for the  
8 same such amounts and in such manner as the  
9 railroad commissioners shall approve, but no  
10 grant of location shall take effect until approved  
11 by vote of the town. In granting any location  
12 the selectmen may require of the company re-  
13 ceiving the same, security to the town by bond  
14 or otherwise, that the company will perform and  
15 observe the terms and conditions imposed by  
16 such grant. Any street railway company or-  
17 ganized under general or special law and having  
18 authority to operate a street railway in the town  
19 may, if it obtains a location as above provided,  
20 construct, maintain and operate its road over

21 such special town ways. The town shall be  
22 under no obligation to perform any work of  
23 construction, but may do such work as it deems  
24 expedient.

1 SECTION 3. Such special town ways shall be  
2 used only for the purpose stated in the first  
3 section, except that drains, pipes, tubes and con-  
4 duits for water, gas, electric wires and other like  
5 objects, and poles for wires and cables, may be  
6 laid, erected and maintained therein as in the  
7 public streets. Town ways and highways may  
8 be laid out, altered or located anew across any  
9 special town way at grade or otherwise. The  
10 said town shall not be liable for any defect in a  
11 special town way, nor obliged to keep the same  
12 in repair.

1 SECTION 4. When any person is cut off by a  
2 special town way from access to lands owned by  
3 such person the selectmen shall, after due notice  
4 to the parties in interest and a hearing, establish  
5 a crossing, and shall make from time to time all  
6 reasonable orders as to the construction, main-  
7 tenance and use thereof, and shall apportion the  
8 expense of construction, and from time to time  
9 the expense of maintenance, between the town  
10 and the street railway companies using the way,  
11 as justice may require. Any such crossing,  
12 if it has become unnecessary or inconvenient,  
13 may be abolished by the selectmen after due  
14 notice to the parties in interest and a hearing;

15 but no crossing shall be abolished against the  
16 consent of a person who would thereby be cut  
17 off from access to his lands, until another cross-  
18 ing established in the manner herein provided is  
19 substituted therefor. Any person aggrieved by  
20 any action or failure to act on the part of the  
21 selectmen in relation to any such crossing may  
22 appeal to the railroad commissioners by petition  
23 filed within three months after the action com-  
24 plained of, or within six months after application  
25 is first made to the selectmen if they have failed  
26 for two months to take final action thereon; and  
27 the railroad commissioners, after due notice to  
28 the parties in interest and a hearing, shall make  
29 such order as the selectmen might have made.  
30 The superior court sitting in equity shall have  
31 jurisdiction to enforce any order made by the  
32 selectmen or railroad commissioners as above  
33 provided.

1 SECTION 5. For the purpose of paying and  
2 discharging all necessary expenses and liabilities  
3 incurred under the provisions of this act the said  
4 town shall have authority from time to time to  
5 issue bonds to such an amount, not in excess of  
6 the debt limit of the town, as shall be approved  
7 by the board of railroad commissioners, but such  
8 approval shall not be given until after said board  
9 has given a public hearing to all parties inter-  
10 ested, including citizens and taxpayers of the  
11 town, of which hearing thirty days' public notice  
12 shall be given in the manner and to the extent

13 required in warning the citizens of a town meet-  
14 ing in said town, and, after such hearing, has  
15 certified that such issue of bonds is required by  
16 public necessity and convenience and by the in-  
17 terests of the town. Such bonds shall be signed  
18 by the treasurer and countersigned by a majority  
19 of the selectmen, shall be payable at periods not  
20 exceeding twenty years from the dates of issue;  
21 shall bear interest payable semi-annually at a  
22 rate not exceeding four per centum per annum;  
23 shall bear on their face the words, Wrentham  
24 Special Town Way Loan. The town may sell  
25 such bonds at public or private sale or pledge  
26 the same for money borrowed for the purposes  
27 of this act: *provided*, that none of such bonds  
28 shall be sold for less than their par value. Said  
29 town, instead of establishing a sinking fund, shall  
30 at the time of authorizing said loan provide for  
31 the payment thereof in such annual proportionate  
32 payments as will extinguish the same within the  
33 time prescribed in this act; and when a vote to  
34 that effect has been passed the net amount re-  
35 quired under the provisions of this and the fol-  
36 lowing section shall without further vote be  
37 assessed by the assessors of said town in each  
38 year thereafter until the debt incurred by said  
39 loan is extinguished.

1 SECTION 6. Said town shall each year apply  
2 the net income and receipts derived from the said  
3 grants of locations to the payment of said in-  
4 terest, and the remainder, if there be any, of

5 such net income and receipts, it shall apply, so  
6 far as may be necessary towards the annual pro-  
7 portionate payments required by the preceding  
8 section, and the amount so applied or paid shall  
9 be deducted from the sums which would other-  
10 wise be required to be raised by taxation.

1 SECTION 7. Nothing shall be done under this  
2 act until it has been accepted at a town meeting  
3 called for the purpose. After the said town has  
4 accepted this act no grant by the selectmen to  
5 a street railway company of a location in any  
6 public street in the town shall take effect until  
7 approved by vote of the town.

1 SECTION 8. Except as otherwise provided  
2 herein this act shall take effect upon its passage.