

SENATE No. 362

The Commonwealth of Massachusetts.

SENATE, April 22, 1910.

The committee on Roads and Bridges, to which was referred the petition (with accompanying bill, House, No. 847) of Edgar H. Holt for legislation to provide for the construction of a highway in the counties of Essex and Middlesex, reports the accompanying bill.

For the committee,

JOS. H. HIBBARD.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

Relative to the Construction of a Highway in the Counties
of Essex and Middlesex.

*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 counties
2 of Middlesex and Essex are hereby authorized and directed
3 to lay out and construct a highway along the line of the
4 Boston and Northern Street Railway Company on the
5 north side of the Merrimac river, beginning at the bound-
6 ary line between the city of Lowell and the town of
7 Dracont, and continuing to the point where the said way
8 intersects Lowell street in the town of Methuen, each
9 board of county commissioners to construct that part of
10 the said way which lies within its own county. The said
11 way shall be completed within one year after the passage
12 of this act.

1 SECTION 2. The said way shall be laid out and con-
2 structed subject to the existing right of the Boston and
3 Northern Street Railway Company to maintain and oper-
4 ate a double track street railway therein, with such

5 switches, crossovers, curves, turnouts and special work,
6 and such poles, wires and other appliances and equip-
7 ment as may be necessary or convenient in the mainte-
8 nance and operation of said railway, and in the use of
9 electric motive power in the operation thereof. In the
10 construction of said highway said commissioners may take
11 up said railway track or tracks and relay them in such
12 manner, and in such different position within the limits
13 of said company's present right of way as the commis-
14 sioners may deem advantageous for the better construction
15 of said highway and its use as a public highway, and as
16 the board of railroad commissioners shall approve and
17 certify to be safe and proper for the use and operation of
18 the street railway, and may designate the position in
19 which any second track shall be laid by the company in
20 those parts of said right of way where the company at
21 present has only one track.

1 SECTION 3. The said commissioners may widen,
2 straighten or relocate the said way, and any person or cor-
3 poration whose property is injured by any act done under
4 the provisions hereof may have his damages assessed by a
5 jury in the manner provided by chapter fifty-eight of
6 the Revised Laws.

1 SECTION 4. Upon the completion of the said way, the
2 county commissioners of each of the said counties shall
3 file in the office of the clerk of courts in that county a
4 detailed statement of the cost of the said way in that
5 county and of any land damages resulting therefrom, in-
6 cluding an estimate of any damages not yet determined,
7 and within thirty days after the filing of the said state-
8 ments the city of Lawrence and the town of Methuen
9 shall pay into the treasury of the county of Essex fifty

10 per cent of the cost of constructing that part of the said
11 way which lies in the county of Essex and of the land
12 damages resulting therefrom, thirty-five per cent by the
13 city of Lawrence and fifteen per cent by the town of
14 Methuen; and the city of Lowell and the town of Dracut
15 shall pay into the treasury of the county of Middlesex
16 fifty per cent of the said cost and damages of that part of
17 the way which lies in the county of Middlesex, thirty-five
18 per cent by the city of Lowell and fifteen per cent by the
19 town of Dracut.

1 SECTION 5. The county commissioners of Essex and
2 Middlesex counties are hereby authorized to borrow on
3 the credit of the said counties respectively, for a period
4 not exceeding two years, such sums as may be necessary
5 to carry out the provisions of this act, and to issue notes
6 or bonds therefor.

1 SECTION 6. Upon the completion of the laying out
2 and constructing of the said way the Massachusetts high-
3 way commission is hereby directed to accept and lay out
4 as a state highway the way so constructed, subject, how-
5 ever, to the rights of said street railway company as in
6 section three of this act provided, and also to accept and
7 lay out as a state highway the continuance of said way
8 along Lowell street in said Methuen to Orchard street,
9 thence along Orchard street to the Lawrence line.

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