

# HOUSE . . . . No. 2581

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## The Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 25, 1914.

The committee on Roads and Bridges, to whom was referred the petition (accompanied by bill, House, No. 1207) of Essex S. Abbott that the Massachusetts Highway Commission be authorized to lay out a highway in the town of Salisbury, report the accompanying bill.

For the committee,

CHARLES N. ATWOOD.

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HOUSE OF REPRESENTATIVES, April 27, 1914.

The committee on Ways and Means, to whom was referred the Bill to authorize the Massachusetts Highway Commission to lay out a highway in the town of Salisbury, report that the same ought to pass.

For the committee,

SAMUEL I. COLLINS.

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HOUSE OF REPRESENTATIVES, May 7, 1914.

The committee on Counties on the part of the House, to whom was referred the Bill to authorize the Massachusetts Highway Commission to lay out a highway in the town of Salisbury, report that the same ought to pass.

For the committee,

ARTHUR BOWER.

## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

### AN ACT

To authorize the Massachusetts Highway Commission to lay out a Highway in the Town of Salisbury.

*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 Massachusetts highway commission  
2 is hereby authorized and directed to lay out, within one  
3 year after the passage of this act, or within such further  
4 time as the said commission may determine, the high-  
5 way authorized by chapter seven hundred and forty-six  
6 of the acts of the year nineteen hundred and eleven, as  
7 amended by chapter four hundred and fifty-four of the  
8 acts of the year nineteen hundred and twelve, from the  
9 marshes or between said marshes and the beach at Salis-  
10 bury beach from the New Hampshire line to Broadway,  
11 the main road leading from Salisbury center to the  
12 ocean; the highway location to be the same as described  
13 in a taking made on or about the thirteenth day of  
14 November in the year nineteen hundred and twelve, by  
15 the board known as the Salisbury beach reservation com-  
16 mission, established by chapter seven hundred and  
17 fifteen of the acts of the year nineteen hundred and

18 twelve, which taking together with a plan showing the  
19 proposed highway, is recorded in the registry of deeds  
20 for the southern district of the county of Essex; and  
21 in laying out the aforesaid highway by the Massachusetts  
22 highway commission under the provisions of this act, it  
23 shall be sufficient to refer to the aforesaid taking and  
24 plan for description of said highway, and the lands,  
25 rights in land and all easements, privileges and appur-  
26 tenances of every name and nature thereto belonging,  
27 referred to in said taking and shown on said plan. The  
28 said commission shall estimate and determine the dam-  
29 ages, if any, sustained by persons in their property by  
30 the laying out and construction of said highway, in the  
31 usual manner provided for the estimation of damages  
32 in the laying out of ways; but any one aggrieved by any  
33 such determination may have his damages assessed by a  
34 jury of the superior court, in the same manner as is  
35 provided by law with respect to damages sustained by  
36 the laying out of ways; but no suit for damages as  
37 aforesaid shall be brought after the expiration of one  
38 year from the date of the decree of said commission  
39 laying out said highway, in accordance with the pro-  
40 visions of this act. The said commission is authorized  
41 to estimate and determine the value of the benefit or  
42 advantage to each parcel of real estate, whether situated  
43 on said highway or otherwise, and lying within one  
44 hundred feet thereof, from the whole or a part of the  
45 improvement by the laying out of said highway, and  
46 shall determine as the assessable cost of the improvement  
47 such part, not exceeding one half, as the commission  
48 shall deem just, of the expenses already incurred or  
49 hereafter to be incurred by the commonwealth, for the  
50 whole or part of the improvement, including the ex-  
51 pense of taking land and all other expenses in laying

52 out and constructing said highway, and shall assess a  
53 proportionate share of said assessable cost upon the  
54 parcels of real estate determined to be especially benefited  
55 as aforesaid, but not exceeding the total amount of the  
56 benefit and advantage to every such parcel as estimated  
57 or determined as aforesaid. The said highway when  
58 laid out and constructed shall be a public way in the  
59 town of Salisbury.

1 SECTION 2. The cost and expense incurred under au-  
2 thority of this act shall, in the first instance, be paid  
3 by the commonwealth, and the treasurer and receiver  
4 general is hereby authorized and directed to borrow upon  
5 the credit of the commonwealth such sums of money as  
6 may be required for said cost and expense. All moneys  
7 so borrowed shall be deposited in the state treasury and  
8 the treasurer and receiver general shall pay out the same  
9 as ordered by said commission and shall keep a separate  
10 and accurate account of all sums borrowed and expended,  
11 including interest.

1 SECTION 3. Upon the completion of said highway,  
2 the commission shall file in the office of the auditor of the  
3 commonwealth a detailed statement, certified by it, of  
4 the actual cost of said highway, and such cost shall be  
5 apportioned as follows:—sixty-five per cent to the com-  
6 monwealth, twenty-five per cent to the county of Essex  
7 and ten per cent to the town of Salisbury; and the  
8 county of Essex and the town of Salisbury shall, within  
9 such time as the commission may direct, pay into the  
10 treasury of the commonwealth the proportionate amounts  
11 to be paid by them respectively.

1 SECTION 4. The county commissioners of the county  
2 of Essex are hereby authorized to borrow upon the credit

3 of the county, for a period not exceeding five years, such  
4 sums as may be necessary to provide for the payment  
5 which may be required of the county under the pro-  
6 visions of this act, and may issue the notes or bonds of  
7 the county therefor.

1 SECTION 5. This act shall take effect upon its passage.

