

SENATE . . . . No. 185.

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Commonwealth of Massachusetts.

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SENATE, April 17, 1885.

The Committee on Roads and Bridges, to whom was referred the petition of William Cogswell respecting the building of a sidewalk over the new railroad bridge between Haverhill and Bradford, report the accompanying Bill.

For the Committee,

HENRY S. NOURSE.

Messrs. HALE, GLEASON, WIGHT, McETTRICK and HANDY of the House, dissent.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Eighty-five.

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### AN ACT

To authorize the County Commissioners of the County of Essex to lay out a Footway and construct a Sidewalk across the Merrimack River.

*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 for  
2 the county of Essex are hereby authorized, if in  
3 their judgment public convenience warrants the  
4 necessary cost of construction and maintenance,  
5 as soon as may be after the passage of this act,  
6 to lay out and construct a footway for the com-  
7 mon use of foot passengers, from a point near the  
8 northerly end of Blossom Street, in Bradford, in  
9 said county, across the Merrimack River, to a  
10 point on Washington Street, near the crossing of  
11 the Boston and Maine Railroad, in Haverhill, in  
12 said county, and for that purpose to attach a side-

13 walk to the bridge of the Boston and Maine Rail-  
14 road, over the Merrimack River at Haverhill,  
15 which sidewalk shall be a part of said footway;  
16 the manner and position of attachment of said  
17 sidewalk to said bridge to be subject to the ap-  
18 proval of the railroad commissioners.

1    SECT. 2. To secure and accomplish the objects  
2 of the preceding section, and for the purpose of  
3 obtaining convenient approaches to said sidewalk,  
4 said county commissioners may take such lands,  
5 buildings, wharves, piers and structures of any  
6 person or corporation as they may deem neces-  
7 sary, and may erect and place such structures on  
8 or over such lands, buildings, wharves, piers and  
9 structures of any person or corporation as they  
10 may deem necessary: *provided*, that they shall not  
11 take up or remove any track now laid by the Bos-  
12 ton and Maine Railroad, except with the consent  
13 of the railroad commissioners, nor erect or place  
14 any structure over any such track which shall  
15 prevent the convenient passage of trains thereon;  
16 but they may, with the consent of the railroad  
17 commissioners, establish grade crossings over  
18 such tracks.

1    SECT. 3. Said county commissioners shall,  
2 within sixty days after the taking of any lands,  
3 buildings, wharves, piers or structures as afore-  
4 said, and within sixty days after the erection of  
5 any structure on or over any lands, buildings,  
6 wharves, piers or structures as aforesaid, other

7 than by agreement with the owner thereof, file  
8 and cause to be recorded in the registry of deeds  
9 for the southern district of Essex county a de-  
10 scription thereof, sufficiently accurate for identifi-  
11 cation, with a statement of the purposes for which  
12 the same were taken or used, signed by the  
13 chairman of said commissioners.

1     SECT. 4. Any person or corporation sustain-  
2 ing damages in property by reason of any doings  
3 of said county commissioners, under the author-  
4 ity of the preceding sections, who fails to agree  
5 with said commissioners as to the amount of  
6 damages sustained, may have the damages as-  
7 sessed and determined in the manner provided by  
8 law when land is taken for the laying out of  
9 highways, on application at any time within the  
10 period of twelve months from such doings, but  
11 no application shall be made after the expiration  
12 of said twelve months.

1     SECT. 5. In the location and construction of  
2 such footway, including said sidewalk and ap-  
3 proaches, said county commissioners shall con-  
4 form to such requirements as may be made by the  
5 board of railroad commissioners and the board of  
6 harbor and land commissioners in the premises,  
7 and shall not proceed to the location and con-  
8 struction of the same till the plans therefor have  
9 been approved by said board of railroad com-  
10 missioners and board of harbor and land com-  
11 missioners.

1    SECT. 6. Nothing in this act contained shall  
2 be construed to impose any liability on the Boston  
3 and Maine Railroad for damages for bodily in-  
4 juries sustained by any person while travelling on  
5 that part of said footway attached to said bridge,  
6 or in any way to affect or impair the obligations  
7 imposed upon said railroad by chapter two hun-  
8 dred and sixty-five of the laws of the year eigh-  
9 teen hundred and eighty-one.

1    SECT. 7. The said county commissioners are  
2 authorized to receive and expend upon the con-  
3 struction of said footway such sum or sums as  
4 may be raised for that purpose by private sub-  
5 scription, and shall, after due notice to all parties  
6 interested, and after a hearing of all such parties,  
7 proceed to determine what cities and towns in  
8 said county receive particular and special benefit  
9 from the use of said footway, and to apportion  
10 and assess upon said county and said cities and  
11 towns such proportion as they shall deem equita-  
12 ble and just of the remaining cost of locating and  
13 constructing said footway, including said ap-  
14 proaches and sidewalk, over and above the  
15 amount received from said private subscription.  
16 Said county commissioners shall also determine  
17 what proportion said county and said cities and  
18 towns shall pay annually for the cost of repairs  
19 and maintenance of said footway, including said  
20 approaches and sidewalk.

1    SECT. 8. The treasurer of the city or town  
2 having the care of the repairs and maintenance of

3 said footway, including said approaches and side-  
4 walk, and paying therefor out of the treasury of  
5 said city or town, shall make a sworn statement  
6 to the said county commissioners of the annual  
7 expense thereof, on or before the first day of Jan-  
8 uary in each year, and the said county commis-  
9 sioners shall pay out of the treasury of said  
10 county to such city or town the proportion of  
11 such expense to be paid by said county, and the  
12 said city or town shall be entitled to recover in an  
13 action of contract from other cities and towns the  
14 proportion said cities and towns should pay.

1     SECT. 9. The county commissioners of the said  
2 county of Essex are hereby authorized to hire  
3 such sums of money as may be necessary to com-  
4 ply with the provisions of this act.

1     SECT. 10. This act shall take effect upon its  
2 passage.









