

SENATE....No. 81.

Commonwealth of Massachusetts.

IN SENATE, March 31, 1836.

Ordered, That the Committee on the Judiciary, be instructed to inquire whether any, and if any, what alterations are necessary in the laws, concerning the compensation of County Commissioners, when called out to estimate damages, and for other purposes by individuals and corporations.

Attest,

CHAS. CALHOUN, *Clerk*.

COUNTY COMMISSIONERS

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Six.

AN ACT

Concerning County Commissioners.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1 SEC. 1. Whenever the county commissioners in
2 any county, shall be called upon, under the authority
3 of law, and upon the application of any individual or
4 corporation to estimate or assess damages, sustained
5 by reason of property taken, or intended to be taken,
6 for the purposes of any rail-road or other corporation,
7 or to perform any other official act in relation to the

8 doings of such corporation, the said commissioners
9 before they shall proceed to estimate or assess such
10 damages, shall require the party making such applica-
11 tion to enter into a recognizance to the county, with
12 sureties to the satisfaction of the commissioners, for
13 the payment of all costs and expenses which shall
14 arise by reason of such application, and the pro-
15 ceedings thereon, and the same remedy shall be had
16 upon said recognizance to enforce the payment of
17 such costs and expenses, as is provided in the twenty-
18 fourth chapter of the Revised Statutes, passed on the
19 fourth day of November, in the year one thousand
20 eight hundred and thirty-five, in the case of recogni-
21 zances entered into under the provisions of that
22 chapter.

1 SEC. 2. The commissioners, whenever the appli-
2 cation aforesaid shall be made by the party whose
3 property has been taken, or is intended to be taken,
4 by such rail-road, or other corporation, in case any
5 damage shall be assessed, shall in addition thereto in-
6 clude in their estimate or assessment, the amount of
7 costs and expenses incurred by reason of the said appli-
8 cation and the proceedings of the commissioners
9 thereon.