

HOUSE....No. 70.

Reported by the Committee on the Judiciary.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-
Seven.

AN ACT

Entitled an Act in addition to an Act relating to Proceed-
ings of County Commissioners.

*BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

1 SECT. 1. The provisions of the second and third
2 sections of the seventy-sixth chapter of the statutes
3 passed in the year eighteen hundred and thirty-nine,
4 shall extend to petitions to the county commissioners,
5 under the statute passed in the year eighteen hun-
6 dred and forty-six, and to all other petitions in which

7 the county has no interest. And said commissioners,
8 in all cases arising under this, and also under said sec-
9 tions of the act first mentioned, may hold special meet-
10 ings for the purpose of making returns of their pro-
11 ceedings, and accepting and recording the same; the
12 costs of which shall be paid by such of the parties as
13 the commissioners shall decide.

1 SECT. 2. In all cases provided in the preceding
2 section, a recognizance shall be taken to the county,
3 as provided in the statute of eighteen hundred thirty-
4 six, chapter one hundred seventy-eight; and the
5 county commissioners and special county commission-
6 ers, either jointly or severally, may maintain an action
7 of debt thereon, in their own names, for their lawful
8 charges; and if two or more of them shall join in one
9 suit, may have separate judgments and executions.

1 SECT. 3. Whenever damages shall have been as-
2 sessed against any rail-road corporation, upon the pe-
3 tition of any person injured by the location and con-
4 struction of their road, or for any other injury occa-
5 sioned thereby, either by the county commissioners or
6 the verdict of a jury, the county commissioners may
7 issue warrants of distress to compel the payment of
8 the amount awarded in damages, together with costs
9 and lawful interest: *provided*, that no such warrant
10 shall issue till after the expiration of the time allowed
11 by law for filing a petition for a jury.

1 SECT. 4. The provisions of the act of the third of
2 March, eighteen hundred and forty-two, entitled "An
3 Act relating to the Duties of County Commissioners,"

4 are hereby extended to all roads which may hereafter
5 be laid out, or altered, by or under the authority of
6 selectmen of towns, in such manner that no claim or
7 demand for damages sustained by any persons in their
8 property, by any such laying out or alteration, shall be
9 made or sustained, until the land over which such road
10 is located shall have been entered upon, and posses-
11 sion taken, for the purpose of constructing said high-
12 way, or alteration: *provided*, that when any person
13 claiming damages shall have been put to any expenses
14 by such proceedings, the selectmen aforesaid shall al-
15 low him full indemnity therefor, although his land may
16 not have been so entered upon and possession taken,
17 as aforesaid; and *provided further*, that any party ag-
18 grieved by the estimate of said last-named damages,
19 by the selectmen, may have a jury to revive such esti-
20 mate, in the same way and manner as is now provid-
21 ed in case of a public highway.

