

HOUSE....No. 119.

Commonwealth of Massachusetts.

IN SENATE, April 6, 1853.

The Joint Standing Committee on Roads and Bridges, who were instructed to consider whether any legislation is expedient with regard to the assessment of damages in the laying out of highways and townways, report the accompanying bill.

For the Committee,

G. WASHINGTON WARREN.

Commonwealth of Massachusetts.

In the year One Thousand Eight Hundred and Fifty-
Three.

AN ACT

Concerning the Assessment of Damages for Land Taken
for Ways.

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

1 SECT. 1. Whenever, by the laying out of any high-
2 way or townway, the greater portion of the land of
3 any owner shall be taken therefor, leaving the smaller
4 portion thereof bounded by said way, and whenever
5 the said owner, in prosecuting his claim, shall demand
6 damages also for the injury done by said laying out to
7 the said smaller portion remaining to him, the county,
8 city, or town which laid out said way, may, by its
9 agent or attorney, file in writing a demand that the
10 damages be estimated for the whole of said land; and

11 thereupon the value of the whole of said land shall
12 be estimated and duly returned in the verdict or award
13 thereof; and after the said verdict or award shall be
14 finally accepted, the legal effect of the payment thereof
15 shall be deemed to be a release of the damages for the
16 land included in said way, and also a transfer of the
17 title to said smaller portion from said owner to the
18 county, city, or town by which said way was laid out;
19 and such smaller portion may be appropriated or dis-
20 posed of at any time thereafter in such manner as the
21 public interest, in the opinion of the county commis-
22 sioners, mayor and aldermen, or selectmen, as the
23 case may be, may require.

SENATE, April 9, 1853.

Passed to be engrossed.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

