

HOUSE.... No. 391.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, May 7, 1866.

The Committee on Roads and Bridges, to whom was recommitted the Bill concerning the Medford Turnpike Corporation, with instructions to consider the expediency of discontinuing the turnpike as a highway, report the accompanying Bill.

Per order,

J. DAGGETT.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-Six.

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### AN ACT

#### Concerning the Medford Turnpike.

*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. The county commissioners of the county  
2 of Middlesex are hereby authorized and empowered,  
3 on the petition of any persons, to lay out and establish  
4 as a highway, the Medford Turnpike, authorized by an  
5 act passed the second day of March, in the year one  
6 thousand eight hundred and three, entitled "an act  
7 for incorporating certain persons for the purpose of  
8 laying out and making a turnpike road from Medford  
9 to Charlestown neck and for supporting the same,"  
10 and now being within the limits of the towns of Med-  
11 ford, Somerville and the city of Charlestown: *pro-*  
12 *vided, however,* that said Medford turnpike corporation

13 shall file with said county commissioners their written  
14 assent thereto, with a waiver of all claim for damages.

1     SECT. 2. Upon the laying out of said turnpike as a  
2 highway, said county commissioners shall order said  
3 turnpike to be put in such a state of repair as the  
4 public convenience and necessity may require, and  
5 forthwith ascertain what sums have severally been  
6 expended by said towns of Medford, Somerville and  
7 said city of Charlestown in making and repairing said  
8 highway, and after due notice to all towns and cities  
9 supposed to be interested in the rebuilding of the said  
10 highway, shall proceed to hear all parties interested,  
11 and shall then determine what towns and cities are so  
12 interested; and they shall proceed to assess upon said  
13 towns and cities so adjudged by them to be interested  
14 and benefited by said highway, such sum or sums of  
15 money to be paid by said towns and cities respectively,  
16 as the said commissioners shall deem just and equi-  
17 table toward the making of said highway; and the  
18 award of said county commissioners shall be final and  
19 conclusive upon said towns and cities, except as is  
20 hereinafter provided. Said county commissioners shall  
21 also determine and award what sums of money, if any,  
22 shall be refunded and paid to said towns of Medford  
23 and Somerville, and said city of Charlestown, or either  
24 of them, from the county treasury, or from the towns  
25 so interested as aforesaid.

1     SECT. 3. Any one of said towns or said city, dis-  
2 satisfied with the award of said county commissioners,  
3 may within two months from the time the award is  
4 made, file with the clerk of said county commissioners

5 a notice in writing of their intention to apply to the  
6 supreme judicial court for the appointment of special  
7 commissioners, as is hereafter provided.

1     SECT. 4. Within thirty days after the expiration  
2 of said two months, either of said towns or said city  
3 which has filed notice as aforesaid may apply to any  
4 justice of the supreme judicial court, in term time or  
5 vacation, for the appointment of three disinterested  
6 persons, not inhabitants of said county of Middlesex,  
7 as special commissioners, who shall, after due notice  
8 in writing to said towns and city, and said county of  
9 Middlesex, thirty days at least before said hearing,  
10 hear said parties, and determine and award the amount  
11 to be paid as aforesaid by each of said towns, city and  
12 county, and the award of said special commissioners,  
13 or a majority of them, shall be final and conclusive  
14 on all said parties.

1     SECT. 5. Said special commissioners shall be sworn  
2 before one of the justices of the supreme judicial  
3 court to the faithful discharge of their duties, and  
4 the expenses incurred after filing said notice with the  
5 clerk of said county commissioners, including the  
6 fees of said special commissioners, to be by them  
7 taxed, and approved by one of the justices of said  
8 supreme judicial court, and to be paid by such of  
9 said parties and in such proportions as said special  
10 commissioners shall determine and award, shall be  
11 paid as aforesaid; and a true and attested copy of  
12 said award shall forthwith be transmitted to said  
13 county commissioners, and also by said county com-  
14 missioners to the towns and city interested as aforesaid.

1    SECT. 6. Said towns of Medford, Somerville, and  
2 said city of Charlestown shall not be liable for any  
3 damage received from any defect in said highway  
4 until the repairs ordered by said county commission-  
5 ers are completed and said highway by them accepted.

1    SECT. 7. The bridges over the Boston and Maine  
2 and the Eastern Railroads, within the limits of said  
3 city of Charlestown, shall hereafter, as now, be  
4 maintained and kept in repair by said railroad  
5 corporations.

1    SECT. 8. This act shall take effect from and after  
2 its passage.

1. Sec. 6. Said town of Melford, Somerset, and  
 2. said city of Hartford, shall not be liable for any  
 3. damage caused from any defect in said highway  
 4. until the repairs ordered by said county commission-  
 5. ers are completed and said highway by them accepted.

1. Sec. 7. The bridges over the Boston and Maine  
 2. and the Eastern Railroad, within the limits of said  
 3. city of Hartford, shall hereafter, as now, be  
 4. maintained and kept in repair by said railroad  
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