

HOUSE No. 431.

[Mr. ARWOOD of Boston gives notice that he will move to substitute this Bill for the report of the committee on Cities, inexpedient to legislate.]

Commonwealth of Massachusetts.

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

AN ACT

To establish the Board of Commissioners of Streets
in the City of Boston.

*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 mayor of the city of Boston
2 shall appoint, subject to confirmation by the board
3 of aldermen, three able and discreet men, inhabi-
4 tants of said city, who shall constitute a board of
5 said city, to be known as the commissioners of
6 streets, and who shall hold office, one for the term
7 of three years, one for the term of two years, and
8 one for the term of one year, beginning with the
9 first Monday in April in the year eighteen hun-

10 dred and eighty-nine; and annually thereafter,
11 the mayor shall appoint, subject to confirmation
12 as aforesaid, one such commissioner to hold office
13 for the term of three years beginning with the
14 first Monday in April in the year of his appoint-
15 ment. Any vacancy occurring shall be filled by
16 the appointment, as aforesaid, of a commissioner
17 for the remainder of the unexpired term. The
18 members of said board shall each receive a salary
19 of six thousand dollars per year. The provisions
20 of chapter two hundred and sixty-six of the acts
21 of the year eighteen hundred and eighty-five
22 shall apply to said board and to the members
23 thereof.

1 SECT. 2. Said board shall purchase all
2 materials, employ all labor and do all work re-
3 quired in (1) constructing highways and bridges,
4 (2) keeping highways, private ways and bridges
5 clean, in good repair and well lighted, (3) making
6 and maintaining drains and sewers, (4) maintain-
7 ing and operating ferries and bridges, and draws
8 in bridges, and (5) shall hold and exercise all the
9 power and authority now held and exercised by
10 the board of aldermen of said city, relating to
11 ordering specific repairs on highways, and making
12 assessments for benefits received from the making
13 or repairing of main drains and common sewers;
14 and they shall have and enjoy all the powers and
15 authority, and be subject to all the duties and
16 limitations now held by, or imposed upon, the
17 board of street commissioners of said city; and

18 said board shall have power and authority to
19 make and enforce all regulations it deems neces-
20 sary for the preservation of the cleanliness of the
21 streets, courts and passageways of said city.

1 SECT. 3. Said board shall not expend (1) for
2 salaries, (2) for laying out, locating anew, alter-
3 ing, widening and discontinuing highways and
4 bridges, (3) for constructing new streets and
5 bridges, (4) for keeping highways clean, in good
6 repair and well lighted, (5) for making and re-
7 pairing main drains and common sewers, (6) for
8 maintaining and operating ferries, bridges and
9 draws, a greater amount for each of said purposes
10 than said city shall specifically appropriate
11 therefor.

1 SECT. 4. Said board shall appoint a clerk, who
2 shall not be one of the commissioners, and such
3 other subordinates as they deem necessary, and
4 fix their compensation, and the same may remove
5 at pleasure. Said clerk shall have charge of
6 records of the board, and perform such clerical
7 and other duties as said board shall require, and
8 shall be sworn to a faithful performance of the
9 duties of his office ; and, in his absence, a clerk
10 pro tempore may be appointed by said board to
11 serve at its pleasure.

1 SECT. 5. No person shall hereafter open or
2 make any excavation in any street or highway in
3 said city, except for posts, and for rails and ap-

4 pliances of street railway companies; but said
5 board may, on the application of any person or
6 corporation authorized to place or maintain any
7 structure under or upon a highway, break the
8 surface and make such excavations in highways
9 as shall be necessary for such structures, and
10 said board shall refill and resurface such high-
11 ways.

1 SECT. 6. The person or corporation for whom
2 such excavations are made shall pay for the work
3 of making and refilling such excavations, and
4 resurfacing the highways, such sums, in such
5 manner, as said board shall deem just and reason-
6 able.

1 SECT. 7. The city engineer and city surveyor
2 shall respectively prepare and furnish such sur-
3 veys, plans, estimates and specifications, and
4 perform such other duties pertaining to their
5 offices as said board may have need of, and shall
6 require, in the discharge of its duties.

1 SECT. 8. This act, so far as relates to the
2 appointment of said commissioners, shall take
3 effect upon its passage; and, for all other pur-
4 poses, shall take effect on the first Monday of
5 May in the year eighteen hundred and eighty-
6 nine; and on said day the board of street com-
7 missioners of the city of Boston shall be abolished.