

gational
Religious
Society of
Weymouth.

either of said names shall vest in the Old South Congregational Religious Society of Weymouth.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1893.

Chap.243 AN ACT TO REQUIRE THE CONSTRUCTION OF A RAILROAD PASSENGER STATION IN THE TOWN OF UXBRIDGE.

Be it enacted, etc., as follows :

Construction of a railroad passenger station in Uxbridge.

SECTION 1. The Providence and Worcester Railroad Company is hereby required to construct, in the town of Uxbridge, a passenger station which shall be satisfactory to the board of railroad commissioners. Such construction shall be commenced on or before the first day of July in the year eighteen hundred and ninety-three, or such later day as the railroad commissioners may fix, and shall be completed within six months thereafter, unless the railroad commissioners shall upon hearing extend the time for such construction.

Penalty for delay in completion of station, etc.

SECTION 2. Said railroad company shall forfeit to the Commonwealth two hundred dollars for each month's delay in the completion of said station after the first day of January in the year eighteen hundred and ninety-four, or after the expiration of such further time as the railroad commissioners may upon hearing prescribe, and the supreme judicial court shall have jurisdiction, upon the petition of ten or more citizens of Uxbridge, to enforce the provisions of this act.

Approved April 24, 1893.

Chap.244 AN ACT REQUIRING THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT AND CONSTRUCT A FOOTWAY BETWEEN HAVERHILL AND BRADFORD.

Be it enacted, etc., as follows :

County commissioners to lay out and construct a footway between Haverhill and Bradford.

SECTION 1. The county commissioners for the county of Essex shall, as soon as possible after the passage of this act and before the first day of November in the year eighteen hundred and ninety-three, lay out and construct a footway for the common use of foot passengers, from a point on Elm street in Bradford in said county, over the Newburyport branch of the Boston and Maine Railroad, to and across the Merrimac River, to a point on Washington street near the east side of the crossing of the Boston and

Maine Railroad in Haverhill in said county; and for that purpose may attach a sidewalk to the bridge of the Boston and Maine Railroad over the Merrimac river between Haverhill and Bradford, which sidewalk shall be a part of said footway and shall be so built as not to endanger the safety of said bridge. The manner of construction and position of attachment of said sidewalk to said bridge shall be subject to the approval of the railroad commissioners.

To be approved by railroad commissioners.

SECTION 2. To secure and accomplish the objects of the preceding section, and for the purpose of obtaining convenient approaches to said sidewalk, said county commissioners may take such lands, buildings and wharves of any person or corporation, as they may deem necessary: *provided*, that they shall not take up or remove any track now laid or building or structure now erected by the Boston and Maine Railroad, except with the consent of the directors of said railroad, nor erect or place any structure over any track of said railroad which shall prevent the convenient passage of trains thereon, nor shall any part of said footway be laid out or constructed to cross any track of said railroad at grade.

County commissioners may take lands, etc.

Proviso.

SECTION 3. Said county commissioners shall, within sixty days after the taking of any lands, buildings or wharves as aforesaid, and within sixty days after the erection of any structure on or over any lands, buildings or wharves as aforesaid, other than by agreement with the owner thereof, file and cause to be recorded in the registry of deeds for the southern district of Essex county, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken or used, signed by the chairman of said commissioners.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 4. Any person or corporation sustaining damages in property by reason of any doings of said county commissioners under the authority of the preceding sections, who fails to agree with said commissioners as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application, at any time after said doings, of the county commissioners, and within a period of twelve months from the filing of the description and statement provided for in the preceding section; but no application shall be made

Damages.

after the expiration of said twelve months. In assessing the damages to be recovered by said Boston and Maine Railroad said railroad shall be entitled to recover all damages resulting from the attachment of said sidewalk to said bridge, as well as all other damages.

Subject to requirements, etc., of railroad commissioners and harbor and land commissioners, etc.

SECTION 5. In the location and construction of such footway, including said sidewalk and approaches, said county commissioners shall conform to such requirements as may be made by the board of railroad commissioners and board of harbor and land commissioners, in the premises, and shall not proceed to the location and construction of the same until the plans therefor have been approved by said board of railroad commissioners and board of harbor and land commissioners. Said footway shall not, in any part where it is attached to said bridge, be more than four feet wide; shall be planked, and shall in all parts thereof have good and sufficient rails or fences to secure the safety of travellers thereon, and where it crosses any track of said railroad, or of the Newburyport branch thereof, shall be constructed at least twenty feet above said track.

Boston and Maine Railroad to allow footway to be attached to its bridge, etc.

SECTION 6. The Boston and Maine Railroad is hereby required to allow the said county commissioners to lay out said footway and to attach said sidewalk to its bridge over the Merrimac river between Haverhill and Bradford, as provided for in this act.

Railroad corporation not liable for expenses, damages, etc.

SECTION 7. The Boston and Maine Railroad shall not be liable for the cost of building or maintaining said footway, or for damages for bodily injuries sustained by any person while travelling on said footway or while entering upon or leaving the same. Nothing in this act shall be construed in any way to affect or impair the obligations imposed upon said railroad by chapter two hundred and sixty-five of the acts of the year eighteen hundred and eighty-one.

Payment of cost of construction.

SECTION 8. The said county commissioners are authorized to receive and expend for the construction of said footway such sum or sums as may be raised for that purpose by private subscription, if any, and shall, after due notice to all parties interested and after a hearing of all such parties, proceed to apportion and assess upon the city of Haverhill and the town of Bradford the remaining cost of locating and constructing said footway, including said approaches and sidewalk, over and above the amount

received from private subscription, and in case no such amount is received, the entire cost thereof, in such proportion as they shall deem just and equitable. Said county commissioners shall also determine what proportion said city and town shall annually pay for the cost of repairs and maintenance of said footway, including said approaches and sidewalk, and of any sums paid for damages resulting from defects or want of repair in any part of said footway, and of any expense on account of said damages, and which shall have the care of the repairs and maintenance of said footway, including said approaches and sidewalk. In case at any time said bridge shall be reconstructed, or any alterations shall be made in said bridge requiring a change in said sidewalk as attached to said bridge, the city of Haverhill and the town of Bradford, in proportions to be fixed by said county commissioners, shall pay all expense of said alterations, remodelling or rebuilding of the said sidewalk.

Apportionment of expense of repairs, maintenance, alterations, damages, etc.

SECTION 9. The treasurer of the city or town having the care of the repairs and maintenance of said footway, including said approaches and sidewalk, and paying therefor out of the treasury of said city or town, shall make a sworn statement to the said county commissioners of the annual expense thereof, including any sums paid for damages, and of any expense on account of such damages, on or before the first day of January in each year, and the city or town shall be entitled to recover in an action of contract from said other city or town the proportion said city or town should pay.

Annual statement of expenses; recovery of proportion from city or town.

SECTION 10. The county commissioners of the said county of Essex are hereby authorized to borrow on the credit of said county such sums of money as may be necessary to comply with the provisions of this act.

County commissioners may borrow money, etc.

SECTION 11. This act shall take effect upon its passage.

Approved April 24, 1893.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES BEYOND THE LIMIT FIXED BY LAW.

Chap. 245

Be it enacted, etc., as follows :

SECTION 1. The city of Brockton, for the purpose of constructing a system of sewerage and of sewage disposal, and for the purchase of lands necessary thereto, is hereby authorized to incur indebtedness in addition to the amount

May incur indebtedness beyond debt limit for sewerage purposes.