

SENATE No. 355

The Commonwealth of Massachusetts.

SENATE, April 12, 1910.

The committee on Roads and Bridges, to which was referred the recommendations for legislation to be contained in the annual report of the Massachusetts Highway Commission (House, No. 21), reports, in part, the accompanying bill.

For the committee,

JAS. H. HIBBARD.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

Relative to the Purchase of Land for securing Road Building Materials.

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. Section one hundred and five of chapter
2 forty-eight of the Revised Laws is hereby amended by
3 inserting after the word “*may*”, in line two, the words:
4 — *purchase or*, — and by striking out, in lines nine,
5 ten, eleven and twelve, the words “*and the report of such*
6 *laying out shall specify the extent and depth of excava-*
7 *tion to be permitted and the time, not exceeding ten*
8 *years, during which such land or way shall be held and*
9 *used*”, and by inserting at the end thereof the words:
10 — *The Massachusetts highway commission shall have*
11 *the same power as the mayor and aldermen of cities and*
12 *the selectmen and road commissioners of towns in rela-*
13 *tion to the purchase or taking of land for the above*
14 *specified purposes in the various cities and towns in the*
15 *commonwealth: provided, however, that all contracts for*
16 *such purchase or all takings by said commission shall be*
17 *first approved by the governor and council. Such pur-*
18 *chase or taking shall not operate in any way to interfere*

19 *with the control of the police departments of the various*
20 *municipalities over the land so taken, — so that said sec-*
21 *tion, as amended, will read as follows: — Section 105.*
22 The mayor and aldermen of cities, and the selectmen or
23 road commissioners of towns, may purchase or select and
24 lay out land within their respective cities or towns, not
25 appropriated to public uses or owned by any other city
26 or town from which may be taken materials necessary for
27 the construction, repair or improvement of streets or
28 ways; and may lay out such ways as they consider neces-
29 sary for convenient access thereto. All proceedings rela-
30 tive to such land and ways shall be the same as are pro-
31 vided in the laying out of town ways. A person ag-
32 grieved in the assessment of his damages for land so taken
33 may, on application within one year, have a jury in the
34 manner provided by law in cases of highways. The
35 Massachusetts highway commission shall have the same
36 power as the mayor and aldermen of cities and the select-
37 men and road commissioners of towns in relation to the
38 purchase or taking of land for the above specified purposes
39 in the various cities and towns in the commonwealth:
40 *provided, however, that all contracts for such purchase or*
41 *all takings by said commission shall be first approved by*
42 *the governor and council. Such purchase or taking shall*
43 *not operate in any way to interfere with the control of the*
44 *police departments of the various municipalities over the*
45 *land so taken.*

1 SECTION 2. Section one hundred and six of said chap-
2 ter is hereby amended by leaving out all of said section
3 after the words "*preceding section*", in line two, so that
4 said section, as amended, will read as follows: — *Section*
5 *106. Land so taken shall be held and used for no other*
6 *purpose than is specified in the preceding section.*

