

mother of John
W. O'Neil.

Proviso.

O'Neil, deceased, late foreman of the street department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that such sum shall not exceed the amount to which the said O'Neil would have been entitled if he had lived and continued to serve as such foreman until the first day of February next succeeding the date of his death.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1903.

Chap.270 AN ACT TO AUTHORIZE THE PROVIDENCE AND FALL RIVER STREET RAILWAY COMPANY TO MAKE CERTAIN CONTRACTS WITH OTHER STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

The Providence and Fall River Street Railway Company may make certain contracts with other street railway companies, etc.

SECTION 1. The Providence and Fall River Street Railway Company may make contracts with any other street railway company or companies with the railways of which its own railway connects, for the conveyance and transportation over the lines of such connecting companies of its ears, passengers, and such baggage and merchandise as it is authorized to transport over its own railway; and such other companies may enter into like contracts with said Providence and Fall River Street Railway Company, and may carry out the terms and provisions thereof and perform the business thereby contemplated, but only to such extent and in such manner as regards the transportation of baggage and merchandise in any city or town as the aldermen or selectmen thereof shall approve, subject to the same restrictions which are applicable by law to said Providence and Fall River Street Railway Company in carrying on a similar business upon its own railway.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1903.

Chap.271 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO GRADE AND PAVE ITS STREETS AND TO ASSESS BETTERMENTS AND ISSUE BONDS TO MEET THE EXPENSE THEREOF.

Be it enacted, etc., as follows:

City of Pittsfield may grade and pave certain streets, etc.

SECTION 1. The mayor and city council of the city of Pittsfield, the city council acting by a majority vote of all its members, whenever they adjudge that public

convenience and necessity so require, may order that any public way or part thereof, shall be graded, paved with granite blocks, vitrified brick, asphalt, or other suitable solid material, and provided with necessary curbstones, and may authorize the board of public works of the city or any other person or persons to cause such public way or part thereof, to be graded, paved and provided with necessary curbstones, in accordance with the provisions of such order. When such work of grading and paving and providing curbstones is completed said board of public works or such other person or persons as may so be authorized shall certify to the assessors of taxes an itemized account of all expenses incurred and paid on account of such order, including all damages paid to owners of real estate for injury thereto, sustained by reason of any act done under the provisions of such order. At any time within two years after the work has been completed, if in the opinion of the assessors of taxes any estate receives a benefit or advantage therefrom beyond the general advantage to all estates in said city, said assessors shall determine the value of such benefit or advantage to such estate, and shall assess upon the several estates, except such as are by law exempt from taxation, abutting upon any such public way or part thereof especially benefited by the work done under such order a proportional share of the cost thereof, but no such assessment upon any such estate shall exceed one half the amount of such adjudged special benefit or advantage, nor shall the assessment upon any estate exceed fifteen per cent of the total expense incurred for all work done under such order directly in front of or opposite to any such estate. No damages paid to owners of real estate for injuries thereto, sustained by reason of any act done under the provisions of such order, shall be included in any assessment levied thereunder.

Assessment of betterments.

SECTION 2. Any assessment levied under the provisions of this act which is invalid, and which has not been paid or recovered back, may be reassessed by the assessors to the amount for which the original assessment ought to have been made, and the same shall be a lien upon the estate assessed and shall be collected in the same manner as reassessed taxes.

Certain assessments may be reassessed.

SECTION 3. Every assessment levied upon real estate under the provisions of this act shall constitute a lien

Assessments to constitute a lien upon real estate.

upon the real estate assessed, to be enforced with like charges for costs and interest in the manner provided by law for the collection of taxes.

Parties aggrieved may apply for a jury.

SECTION 4. A party aggrieved by the doings of said assessors may within one year apply by petition filed in the superior court for the county of Berkshire for a revision thereof by a jury, and after due notice to the city a trial shall be had by a jury at the bar of the court.

Costs, etc.

SECTION 5. If the jury does not reduce the assessment the respondent shall recover costs, which shall be a lien upon the estate or property and shall be collected in the same manner as the assessment; but if the jury reduces the assessment the petitioner shall recover costs; and all assessments shall be a lien on the estate or property for one year after final judgment in any proceeding wherein the amount or validity of the same is called in question, and shall be collected in the same manner as original assessments.

Declaration of order to grade, etc., to be filed, etc.

SECTION 6. Whenever the mayor and city council pass an order to grade and pave a public way or part thereof under this act, the mayor shall within thirty days thereafter file a declaration thereof in the registry of deeds for the middle Berkshire district, which shall state in general terms the action of said mayor and council, and shall state the ways or part thereof upon which any parcels of real estate subject to assessment under this act are situated. The register of deeds shall cause such declaration to be entered forthwith in a book kept for the purpose, and classified according to the names of the streets specified therein.

No assessment to be laid in certain cases, etc.

SECTION 7. No assessment shall be laid under the provisions of this act upon any real estate except such as abuts upon streets so specified, and no such assessment shall constitute a lien upon real estate unless the declaration provided for in the preceding section has been filed. Nothing in this act shall authorize the laying of a second assessment upon real estate abutting upon any way graded and paved under this act, for the regrading or repaving of such way or part thereof.

Amount allowed as set-off to be deducted from sum assessed in certain cases.

SECTION 8. If any benefit received by any owner of real estate from any alteration or repair done under the authority of this act shall have been allowed by way of set-off to any damages to property sustained by him by reason of any raising, lowering or other act done under

the said authority, the amount so set off shall be deducted from the sum assessed upon his said property for any expenses incurred hereunder, and the remainder only, if any, shall be assessed and collected as herein provided.

SECTION 9. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under this act, issue from time to time bonds to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law for said city. Such bonds shall be designated, Pittsfield Paving Loan, Act of 1903; shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; but the provisions of chapter twenty-seven of the Revised Laws shall otherwise apply to the issue of such bonds and to the establishment of a sinking fund for the payment thereof at maturity. The said city may authorize temporary loans to be made by its mayor and treasurer, and may give temporary notes therefor, and may renew such temporary notes from time to time in anticipation of the issue of bonds herein authorized or in anticipation of the payments to be made. Instead of creating a sinking fund for the payment of bonds so issued or to be issued the city may provide by the terms of such bonds that at least five thousand dollars shall be due and payable each year upon the principal thereof, and if such provision and payments are made the said sinking fund need not be established.

Pittsfield
Paving Loan,
Act of 1903.

Temporary
loans may be
authorized,
etc.

SECTION 10. This act shall take effect upon its passage.

Approved April 29, 1903.

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR EXPENSES
OF THE GENERAL COURT.

Chap. 272

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for authorized expenses of the present general court, to include clerical assistance to committees authorized to employ the same; said sum to be in addition to the ten thousand dollars appropriated by chapter one of the acts of the present year.

Expenses of
general court.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1903.