

# HOUSE . . . . No. 263.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 29, 1877.

The Committee on the Judiciary, to whom was referred the petition of F. P. Goulding relative to the extension of a certain street in the city of Worcester, report the accompanying Bill.

For the Committee,

M. J. McCAFFERTY.

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Seven.

### AN ACT

To amend an Act entitled "An Act to provide for a Union Passenger Station and for Removal of Railroad Tracks from certain Public Ways and Grounds in the City of Worcester."

*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 mayor and aldermen of the city  
2 of Worcester may and shall forthwith extend Fos-  
3 ter Street in said city, with a width of not less than  
4 sixty feet, from its eastern terminus at the west end  
5 of the Foster Street station, as near as may be  
6 over the discontinued railroad location lying east  
7 of said station, to the Mechanic Street burial-  
8 ground; thence across said burial-ground and  
9 across Bridge Street to the intersection of the rail-  
10 road viaduct with Mechanic Street; thence under  
11 said viaduct by a bridge, with a span of not less  
12 than sixty feet in the clear, measured at right  
13 angles with said extension, partly on Mechanic  
14 Street, to Summer Street; the whole to be laid  
15 out and constructed substantially in accordance  
16 with a plan of the proposed extension of Foster

17 Street, filed in the office of the secretary of the  
18 Commonwealth on the twenty-ninth day of March,  
19 one thousand eight hundred and seventy-seven.  
20 The decree of said mayor and aldermen, laying  
21 out said extension and establishing the grade  
22 thereof, shall be final without further proceedings,  
23 and said extension shall be constructed at the ex-  
24 pense of said city. Said city shall maintain a  
25 suitable track, either upon said extension, or partly  
26 upon said extension and partly upon the discon-  
27 tinued railroad location between the west line of  
28 said burial-ground and said viaduct, to be con-  
29 nected with the tracks of one or more of the rail-  
30 roads in said city, for the accommodation of the  
31 business establishments on the line of said exten-  
32 sion which were accommodated by the tracks of  
33 the Boston and Albany Railroad at the time of the  
34 passage of said act, unless said mayor and alder-  
35 men shall within three months after the date of  
36 their decree laying out said extension, vote not to  
37 construct said tracks; and if said mayor and  
38 aldermen shall so vote, then said city shall not be  
39 required to maintain said tracks, but shall pay to  
40 the owners of said establishments such sums as  
41 compensation for not furnishing said track, as the  
42 parties shall agree, or, in case of disagreement,  
43 as the county commissioners of the county of  
44 Worcester, after hearing the parties, shall deter-  
45 mine. Said track, if constructed, shall be operated  
46 by horse-power, or such other motive power as said  
47 mayor and aldermen shall from time to time per-  
48 mit. Said bridge over said street shall be built by  
49 the railroad companies owning said viaduct, in  
50 such manner and form as the board of railroad

51 commissioners, after hearing the parties, shall  
52 direct; and said railroad companies may take,  
53 under the general laws, additional land necessary  
54 for the abutments of said bridge. And the ex-  
55 pense of building said bridge and abutments, and  
56 of the land so taken, after deducting the value of  
57 the present bridge and materials, shall be paid by  
58 said city; and the expense of maintaining said  
59 bridge shall be borne by said city and said railroad  
60 companies in such proportion as the parties shall  
61 agree, or in case of disagreement, as the county  
62 commissioners for the county of Worcester, after  
63 hearing the parties shall determine; and such pro-  
64 portion may be revised by said county commission-  
65 ers at intervals of not less than three years, upon  
66 the application of either of said parties. All dam-  
67 ages occasioned to any person or corporation by  
68 the laying out of said extension, shall be assessed  
69 by said mayor and aldermen in the first instance,  
70 and shall be subject to revision by a jury in the  
71 manner provided by law in the laying out of town  
72 ways, and shall be paid by said city; and estates  
73 receiving benefit and advantage from the laying  
74 out of said extension, shall be liable to assessment  
75 therefor, as provided in the general laws relating  
76 to betterments.

1 SECT. 2. So much of section twenty-two of  
2 chapter three hundred and forty-three of the acts  
3 of the year one thousand eight hundred and sev-  
4 enty-one as relates to Foster Street is hereby re-  
5 pealed.

1 SECT. 3. This act shall take effect upon its pas-  
2 sage.