

Sec. 119. Map or sketch of location filed.—The party applying for a permit for said excavation under the provisions of section 112 to 119, inclusive, must file a map or sketch with the commissioner of public works or such officer as the city government may appoint, showing the location and size of cuts to be made. (R. S. c. 84, § 119.)

Sec. 120. Duty of commissioner of public works.—When any excavation shall be made in any paved public highway and said pavement is repaired by a contractor or the commissioner of public works or such officer as the city government may appoint, the commissioner of public works or such officer as the city government may appoint, where said pavements are laid on a concrete base, shall have the concrete cut back on each side of the ditch a distance of 8 inches, and in issuing the permits for cutting the pavements this extra width shall be charged to the person applying for the same. (R. S. c. 84, § 120.)

See c. 23, § 30, re enforcement of provisions of §§ 112-120 by the state highway commission wherever highways maintained by state are affected.

Repair of Private Ways Owned in Common.

Sec. 121. Owners of private ways and bridges may call meetings.—When four or more persons are owners and occupants of a private way or bridge, any three of them may make written application to a justice of the peace to call a meeting, who may issue his warrant setting forth the time, place and purpose thereof, a copy of which shall be posted at some public place in the town 7 days before such time. When so assembled, they may choose a clerk and a surveyor, to be sworn, and they may determine what repairs are necessary and the materials to be furnished or amount of money to be paid by each owner therefor and the manner of calling future meetings. (R. S. c. 84, § 121.)

Sec. 122. Surveyor's duties; neglect of owners to pay.—The surveyor chosen under the provisions of section 121, with respect to such way or bridge, has the powers of a road commissioner. For refusing to accept the trust or to take the oath he forfeits \$4, to be recovered as provided in section 124. If any owner or occupant, on requirement of the surveyor, neglects to furnish his proportion of labor, materials or money, the same may be furnished by the other owners and occupants and recovered of him in an action on the case. (R. S. c. 84, § 122.)

Sec. 123. Owners may contract for repair and cause money assessed and collected.—The owners, at such meeting held under the provisions of section 121, may authorize a contract to be made for making and keeping such way or bridge in repair by the year or for a less time; may raise money for that purpose and choose assessors to assess it on such owners and occupants in proportion to their interests, who shall deliver their assessment with a warrant for its collection to the surveyor. Such warrant shall be in substance such as is prescribed for collection of town taxes. The surveyor shall collect the same as town taxes are collected; and be liable for neglect of duty as town collectors are for similar neglects. (R. S. c. 84, § 123.)

See c. 92, § 74, re warrant for collection of state taxes.

Sec. 124. Penalties and process.—Money recovered under the provisions of the 2 preceding sections is for the use of such owners. In any process for its recovery, a description of them in general terms as proprietors and occupants of the way or bridge, clearly describing it therein, is sufficient. Such process is not abated by the death of any owner or by the transfer of his interest. (R. S. c. 84, § 124.)

See c. 50, § 17, et seq., re permits for digging into and opening streets and high-ways; c. 50, § 37, re damages occasioned thereby; c. 54, § 33, re raising of money for