

SENATE....No. 125.

[House, No. 111, as amended by that branch]

Commonwealth of Massachusetts.

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

AN ACT

In relation to a Free Bridge across the Connecticut River,
between Springfield and West Springfield.

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 county commissioners of Hampden
2 County may, if in their opinion the public convenience
3 and necessity require the same, lay out and construct
4 a highway and bridge, with suitable approaches there-
5 to, across the Connecticut River, from the easterly end
6 of the common in West Springfield to some point in

7 Springfield opposite thereto; and may also lay out
8 and construct a public highway to connect the said
9 bridge with the Plainfield road, so called, in said
10 Springfield.

1 SECT. 2. Said commissioners may, if they deem it
2 expedient, in constructing said bridge, provide for the
3 use of a portion thereof for street railway purposes,
4 and shall at times after the completion of said bridge
5 have authority to determine upon what terms and
6 under what condition street railways may be laid and
7 used upon and across said bridge.

1 SECT. 3. Before proceeding to locate said bridge
2 and to lay out and establish said highway, the said
3 commissioners shall give notice of the time when and
4 the place at which they will meet to hear all parties
5 interested, by causing a notice of such time and place
6 to be published for two successive weeks in some
7 newspaper published in said county.

1 SECT. 4. The said commissioners shall estimate
2 and award damages occasioned by the location of said
3 bridge, and the laying out of said highway, in the
4 same manner as is now provided by law in the case
5 of laying out highways, and any person aggrieved by
6 the award of said commissioners shall have a like
7 remedy by application for a jury as in the case of
8 laying out highways under the provision of the
9 General Statutes.

1 SECT. 5. All expenses incurred under this act, in-
2 cluding all expense of maintaining and keeping in

3 repair said bridge, its approaches and the said high-
4 way, shall be borne and paid by said county and such
5 in cities and towns therein, in such proportions and
6 in such manner as shall be determined under the
7 following provisions.

1 SECT. 6. When such bridge and highway are
2 completed, and the full cost thereof ascertained, in-
3 cluding therein all land damages awarded or assessed,
4 said county commissioners shall file a report of the
5 fact, together with the amount of such cost, in the
6 office of the clerk of the supreme judicial court of the
7 county of Hampden ; whereupon, and upon the appli-
8 cation of the county commissioners, or any party
9 interested, and after such notice as the court may
10 order, said court may appoint a board of three com-
11 missioners, who shall be sworn to the faithful dis-
12 charge of the duties hereunder, to said county, and to
13 the cities and towns interested, served in such man-
14 ner as the court may direct ; and a hearing of such of
15 said parties as may desire to be heard, shall award
16 and determine what proportional part of the cost so
17 reported, and what proportional part of the cost of
18 maintaining and keeping said bridge and highway in
19 repair, and all other expenses incurred under this act
20 shall be borne and paid by the county of Hampden
21 and by such cities and towns in said county, as they
22 shall award and determine, will be specially bene-
23 fited thereby ; and they shall also award how and by
24 whom and to whom such proportional amounts shall
25 be paid.

1 SECT. 7. The determination and award of said
2 commissioners, or a majority of them, shall be by them

3 reported in writing to the supreme judicial court for
4 said county, and upon the acceptance thereof by said
5 court and judgment and decree entered thereon, shall
6 be binding upon all parties named therein ; and such
7 proceedings may be had upon such judgment and de-
8 cree to enforce and carry the same into effect, as is
9 provided by law in civil cases in said court.

10 The compensation and expenses of said commission
11 shall be paid in such manner as they shall by their
12 award determine, subject to the approval of the said
13 court. And all matters and things provided by this
14 act to be done, in and by said court, except the final
15 judgment and decree, may be done by any justice
16 thereof, as well in vacation as in term time.

1 SECT. 8. After the completion of said bridge and
2 highway, the city of Springfield and the town of West
3 Springfield shall have the care and superintendence
4 of the said bridge, its abutments and piers, and the
5 city of Springfield of the highway leading from said
6 bridge to the Plainfield road, and shall cause them to
7 be kept in good repair and safe and convenient for
8 travel; the cost of the said repairs, care and super-
9 intendence to be borne by such parties as the said
10 board of commissioners shall determine under the
11 authority herein before granted.

1 SECT. 9. Liability for defects in the bridge, its
2 piers and abutments, shall exist on the part of the
3 town of West Springfield and the city of Springfield,
4 in such proportions as by the award of said commis-
5 sion they severally pay towards the cost of keeping the
6 same in repairs. Liability for defects in the highway

7 leading from said bridge to the Plainfield road shall
8 exist only upon the part of the city of Springfield.

1 SECT. 10. The county commissioners of said
2 county may borrow on the credit of said county, a
3 sum not exceeding one hundred and fifty thousand
4 dollars for the purpose of carrying into effect the
5 provisions of this act.

6 The said bridge shall not be opened for travel, and
7 no travel shall be permitted thereon, until the expira-
8 tion of the right of the Springfield Bridge Company
9 to take tolls as provided by its charter.

HOUSE OF REPRESENTATIVES, March 2, 1872.

Passed to be engrossed.

Sent up for concurrence.

W. S. ROBINSON, *Clerk.*

Mr. NOBLE gives notice of the following as amendments to the Bill:—

In Section 5, 4th and 5th lines, strike out after the word “by” in the 4th line, the words, “said county and such cities and towns therein,” and insert the words, “the city of Springfield and the town of West Springfield.”

In Section 6, 20th and 21st lines, strike out the words, “county of Hampden and by such cities and towns in said county,” and insert the words, “the city of Springfield and town of West Springfield.”

