

the acts of the year eighteen hundred and sixty-nine, shall be forthwith constructed with a clear opening of thirty-eight feet, instead of forty-four feet, as provided in said acts.

Harbor and railroad commissioners to report plan for terminal facilities for railroads in Boston.

SECTION 2. The board of harbor commissioners and the board of railroad commissioners are hereby instructed to confer with the authorities of the city of Boston, and the officers of the several railroad corporations owning or operating railroads which enter said city at its north side, and to report to the next legislature upon the feasibility of maturing some definite and comprehensive plan for the future accommodation of said railroad corporations, both as regards the wants of navigation and terminal facilities in Boston; and also to report a draft of such plan, if any shall appear to them to be feasible.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1870.

Chap. 302

AN ACT RELATING TO WEST BOSTON AND CRAGIE BRIDGES.

Be it enacted, &c., as follows :

Harbor commissioners to determine position of draws in West Boston and Cragie Bridges.

Three commissioners to be appointed by S. J. C. upon petition of mayor of Cambridge;

SECTION 1. The harbor commissioners shall forthwith locate and determine the position of the draws in the West Boston Bridge and Cragie or Canal Bridge, over Charles River, to be constructed as hereinafter provided.

SECTION 2. The supreme judicial court, sitting as a full court in any county at any time after the passage of this act, shall, upon the petition of the mayor of the city of Cambridge, after such notice as the court or any justice thereof may order, appoint three discreet and competent commissioners for the purposes hereinafter named.

—to be sworn, and apportion and assess upon Boston and Cambridge expense of maintaining, &c.;

SECTION 3. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due notice and hearing in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Cambridge the expense of maintaining and keeping in repair said bridges, including the expense of opening the draws thereof and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night, and shall also at the same time appraise the fund, as it now exists, paid to the city of Cambridge under chapter two hundred and fifty-seven of the acts of the year eighteen hundred and fifty-seven, and also all funds, moneys and properties belonging to said bridges, and apportion to the city of Boston the same proportion thereof as Boston shall, under and by virtue of this act, have apportioned or assessed upon it of the expense of maintaining and keeping in repair said bridges.

SECTION 4. Said commissioners shall return their award into the supreme judicial court, sitting for the county of Suffolk; and when said award shall have been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties; and said court may enforce the same by proper process; and the expense of executing this act shall be paid by said cities in the same proportions as the expense of maintaining said bridges is apportioned and assessed upon said cities.

—to return
award to S.
J. C.

SECTION 5. Upon the acceptance of said award by the court as aforesaid, the city of Cambridge shall pay and deliver to the city of Boston the proportion of said fund, funds, moneys and properties apportioned to Boston under said award, and the said bridges shall become and be highways; and thereafter said bridges and draws shall be maintained, supported, managed and kept in repair by the cities of Boston and Cambridge, according to the terms and proportions established by said award; and all damages recovered in any action at law by reason of any defect or want of repair in either of said bridges or the draws thereof, shall be paid by said cities on the same terms and in the same proportions.

Upon acceptance of award Cambridge to pay to Boston sum apportioned.

SECTION 6. The care and management of said bridges and draws shall be vested in a board of commissioners consisting of one person from each city, chosen in accordance with such ordinances as said cities shall respectively establish, and until such commissioners are chosen, the mayors of said cities shall *ex officio* constitute such commissioners.

Commissioners, one from each city, to have care of draws and bridges;

SECTION 7. The commissioners designated in the preceding section shall cause to be made in lieu of the existing draws in said bridges a draw in each bridge with a clear opening of thirty-eight feet in width in the position determined under section one of this act.

—to cause draws to be made thirty-eight feet in width.

SECTION 8. Nothing in this act shall release the Cambridge Railway Company or the Union Railway Company, from any legal obligation either of said companies is now under to the cities of Cambridge and Boston, or either of them, or any legal obligation now existing to maintain and keep in repair any portion of said bridges, or from any liability for any loss or injury that any person may sustain by reason of any carelessness, neglect, fault or misconduct of its agents or servants, in the construction, repair, management or use of its tracks on said bridges, or other use or occupation thereof.

Railway companies not released from obligation to keep bridge in repair.

Repeal.

SECTION 9. Chapter three hundred and eleven of the acts of the year eighteen hundred and sixty-nine, and all other provisions of law inconsistent herewith are hereby repealed.

Act to take effect when accepted by city council of Cambridge;

SECTION 10. This act shall not take full effect unless accepted by the city council of Cambridge, by concurrent vote of the two branches thereof, within thirty days from its passage. It shall be the duty of the city clerk of the city of Cambridge to certify to the secretary of the Commonwealth the result of the vote of the city council of said city as soon as may be, and if it shall appear that a majority of the votes of both branches of the city council is in favor of the acceptance of this act, said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

—and upon publication of certificate by secretary of Commonwealth.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance to the city council of Cambridge shall take effect upon its passage. If this act is accepted as herein provided, it shall take full effect upon the publication of the certificate of the secretary, as herein provided.

Approved June 1, 1870.

Chap. 303

AN ACT IN RELATION TO THE CHARLES RIVER AND WARREN BRIDGES.

Be it enacted, &c., as follows :

Bridges to be put in good repair for public travel.

SECTION 1. The commissioners appointed under chapter three hundred and twenty-two of the acts of the year eighteen hundred and sixty-eight, shall forthwith cause the Charles River and Warren Bridges to be put in good repair for public travel.

Unexpended balance of Warren Bridge fund to be applied for repairs, &c.

SECTION 2. Said commissioners are hereby authorized and directed to apply to the repairs of said bridges so much as may be necessary of the unexpended balance of the Charles River and Warren Bridges fund, and the same is hereby appropriated for that purpose: *provided*, that until the completion of said repairs, said commissioners shall have the sole charge and management of said bridges and draws.

Proviso.

Commissioners to assess upon Boston and Charlestown expense of maintaining bridges and draws;

SECTION 3. Said commissioners, after due notice and hearing, shall, in such manner and amount as they shall deem just and equitable, apportion and assess upon the cities of Boston and Charlestown, the expense of maintaining and keeping in repair said bridges and draws, including the expense of opening and closing the draws thereof, and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or night; and shall also at the same time and in like manner, assign and divide to and between said cities, any surplus of said fund remaining after said repairs shall have been completed as in this