

Ch. 314. AN ACT TO AUTHORIZE THE CONSTRUCTION OF A NEW BRIDGE AND AVENUE ACROSS THE CHARLES RIVER BETWEEN BOSTON AND CAMBRIDGE.

Be it enacted, &c., as follows:

Boston and Cambridge may construct a new avenue and bridge.

SECTION 1. The cities of Boston and Cambridge are authorized, subject to the provisions of the one hundred and forty-ninth chapter of the acts of the year eighteen hundred and sixty-six to construct a bridge and avenue as hereinafter provided across Charles River from a point on Beacon Street in Boston to a point in Cambridge west of the westerly line of the lands of the Boston and Albany Railroad. The location of said bridge and avenue shall be determined by the city councils of said cities subject to the approval of the board of harbor commissioners and subject moreover to this limitation, namely, that the line thereof shall not be north-east of a line drawn from the junction of Beacon Street and West Chester Park in Boston to the junction of Front Street, in said Cambridge, extended with said lands of the Boston and Albany Railroad; nor south-west of a line from the junction of Beacon Street Brookline Avenue and Brighton Avenue in Boston to Putnam Avenue at its junction with said lands of the Boston and Albany Railroad in Cambridge. Said bridge shall have a draw with a clear opening of at least thirty-six feet in width for the passage of vessels.

Bridge to be built of iron, with stone abutments.

SECTION 2. Said bridge shall be firmly constructed of iron resting upon stone piers and abutments; the piers and abutments to be of such size, shape and construction and to be at such distances from each other as the harbor commissioners, upon application made by said cities, upon such notice as said commissioners deem proper, and after a hearing thereon, shall determine and certify to each of said cities, and no piers shall be built except in accordance with such certificate. In making such determination and certificate, said commissioners shall have reference to the use of the river for pleasure-boating by row-boats, as well as for other purposes. Said avenue within the harbor-lines may be constructed of solid filling with the approval of said board of harbor commissioners.

Each city may take land for the purpose.

SECTION 3. Each city may within its own limits purchase or otherwise take lands not exceeding one hundred feet in width for said bridge and avenue and all the proceedings relating to such taking shall be the same as in the case of land taken for highways within said cities respectively, with like remedies to all parties interested;

and betterments may be assessed for the construction of said bridge and avenue in each city in like manner as for the laying out of highways, under the betterment acts in force in each city, respectively, with like remedies to all parties interested.

SECTION 4. Each of said cities shall bear the expense, including land damages, of constructing such part of said bridge and avenue as lies within its own limits; excepting that the expense of constructing so much thereof, including the draw, as shall lie between the harbor lines, shall be borne equally by both cities. And the care and management of said bridge and draw shall be vested in the board of commissioners provided for in section six of chapter three hundred and two of the acts of the year eighteen hundred and seventy.

Expense of construction and land damages.

SECTION 5. Such bridge and avenue when completed shall be a public highway and the expense of maintaining the bridge and draw and keeping the bridge and draw in repair and affording all proper and necessary accommodation for the passage of vessels through the bridge by day or night shall be borne equally by said cities, and said cities shall be jointly liable for all damage resulting from any defect or want of repair in said bridge or draw by carelessness or neglect in the care of said bridge and draw.

Expense of maintenance to be borne by the two cities equally.

SECTION 6. Where said bridge and avenue cross the Boston and Albany Railroad, it shall be at such grade as will leave a clear opening of not less than eighteen feet above the tracks of said railroad as now laid, of sufficient width to permit the operation of a double track. The expense of the necessary and convenient abutments at such crossing and such retaining walls as may be required on said lands of said railroad shall be equitably apportioned by the board of railroad commissioners between said city of Cambridge and the Boston and Albany Railroad Company.

Bridge to be eighteen feet above tracks of Boston & Albany R. R.

SECTION 7. In order to decide what part of said avenue shall be maintained by both cities jointly in accordance with the provisions of the fifth section of this act, it is hereby determined that the line of solid filling authorized by the board of harbor commissioners as provided in the second section of this act, shall be the limit of the bridge:

Solid filling authorized by harbor commissioners to be limit of bridge.

SECTION 8. This act shall not authorize the construction of any bridge which shall not have been begun

Bridge to be begun within three years, and

completed with- within three years, and completed within five years from
in five years. its passage.

SECTION 9. This act shall take effect upon its passage.

Approved June 8, 1874.

Ch. 315. AN ACT TO ESTABLISH A DISTRICT COURT IN CENTRAL MIDDLESEX.

Be it enacted, &c., as follows:

District court of
Central Middle-
sex.

SECTION 1. The towns of Acton, Bedford, Carlisle, Concord, Lincoln, Maynard, Stow and Lexington, shall constitute a judicial district, under the jurisdiction of the court hereby established therein, by the name of the District Court of Central Middlesex. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided with respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the district court of Central Middlesex hereby established.

To consist of
one justice and
two special
justices.

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws of the Commonwealth.

Either justice
may issue
warrants.

SECTION 3. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Courts for crim-
inal and civil
business.

SECTION 4. Said court shall be held in said Concord, and for criminal business daily, except on Sundays and legal holidays, in some suitable place to be furnished by the county of Middlesex. Said court shall be held for civil business on the first and third Wednesdays of each month, and actions therein may be continued to any future day.