

SENATE No. 536

To accompany the petition of Frederick Butler and others, county commissioners of Essex County, that they be authorized to rebuild the roadway floor of the Duck Bridge over the Merrimack River in the city of Lawrence. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO REBUILD THE ROADWAY FLOOR OF THE DUCK BRIDGE OVER THE MERRIMACK RIVER IN THE CITY OF LAWRENCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The county commissioners of the
2 county of Essex, subject to the provisions of all laws
3 which may be applicable, are hereby authorized to
4 rebuild the roadway floor of the Duck bridge, so-
5 called, over the Merrimack river, at Union street, in
6 the city of Lawrence, the new roadway floor to con-
7 sist of an open steel grid, or mesh, with necessary
8 supports, expansion joints, curbs, etc.

1 SECTION 2. The costs and expenses incurred under
2 this act shall not exceed the sum of fifty-five thou-
3 sand dollars and shall be paid in the first instance
4 by the county of Essex. The commissioners may

5 borrow by a temporary loan or loans, on the credit
6 of said county, such sums, not exceeding, in the ag-
7 gregate, said amount, as may from time to time be
8 required for the costs and expenses aforesaid, in-
9 cluding interest, and may issue notes of said county
10 therefor bearing interest or discounted as may be
11 deemed advisable, and the treasurer of said county
12 may sell such notes at public or private sale upon
13 such terms and conditions as the commissioners may
14 deem proper. Notes issued under authority of this
15 section may be renewed from time to time for such
16 period as may be necessary. All money so borrowed
17 shall be deposited in the county treasury of said
18 county and the county treasurer shall pay out the
19 same as ordered by the commissioners and shall
20 keep a separate, accurate account of all money so
21 borrowed and expended, including interest or dis-
22 count, as the case may be.

1 SECTION 3. Upon the completion of the work
2 herein authorized the commissioners shall file in the
3 office of the clerk of the courts of said county a de-
4 tailed statement certified under their hands of the
5 actual costs and expenses of such construction, in-
6 cluding interest or discount as the case may be, on
7 all money borrowed under authority of section two.
8 Within three months after the filing of any such
9 statement of the costs and expenses of such con-
10 struction, the commissioners shall, after such notice
11 as they may deem proper and a hearing, apportion
12 and assess upon said county an amount equal to fifty
13 per cent of said costs and expenses, and shall apportion
14 and assess upon the city of Lawrence an amount
15 equal to fifty per cent of said costs and expenses.
16 The commissioners shall file in the office of the clerk

17 of the courts of said county the report of said appor-
18 tionment and assessment. Said clerk shall forthwith
19 transmit a true and attested copy thereof to the mayor
20 of said city, and the said city shall pay its propor-
21 tion of said costs and expenses determined by the
22 commissioners as aforesaid, into the county treasury
23 of said county within sixty days thereafter; and if
24 said city shall refuse or neglect to pay its proportion
25 determined as aforesaid the commissioners shall,
26 after notice to said city, issue a warrant against said
27 city for its proportion determined as aforesaid, with
28 interest and costs of the notice and warrant, and the
29 same shall be collected in the same manner as exe-
30 cutions in actions at law, and paid into the county
31 treasury of said county. For the purpose of paying
32 said county's ultimate share of said costs and ex-
33 penses, said county treasurer, with the approval of
34 the commissioners, may borrow from time to time
35 such sums as may be necessary, not exceeding, in
36 the aggregate twenty-seven thousand five hundred
37 dollars, and may issue bonds or notes of the county
38 therefor, which shall bear on their face the words,
39 County of Essex, Duck Bridge Loan Act of 1939.
40 Such loans shall be payable by such annual pay-
41 ments, beginning not more than one year after the
42 respective dates thereof, as will extinguish each loan
43 within five years from its date, and the amount of
44 such annual payment in any year shall not be less
45 than the amount of the principal of the loan payable
46 in any subsequent year. Each authorized issue
47 shall constitute a separate loan. For the purpose of
48 paying the amount assessed against said city of
49 Lawrence, said city may borrow from time to time
50 such sums as may be necessary, not exceeding, in
51 the aggregate, twenty-seven thousand five hundred

52 dollars, and may issue bonds or notes therefor, which
53 shall bear on their face the words, City of Lawrence,
54 Duck Bridge Loan Act of 1939. Each authorized
55 issue shall constitute a separate loan, and such loans
56 shall be payable within twenty years from their
57 dates. Indebtedness incurred by said city under
58 this act may be in excess of the statutory limit, but
59 shall, except as otherwise provided herein, be subject
60 to chapter forty-four of the General Laws, exclusive
61 of the limitation contained in the first paragraph of
62 section seven thereof. Said county and said city
63 may each sell its said securities at public or private
64 sale upon such terms as it may deem proper, but not
65 for less than their par value. The proceeds of bonds
66 or notes issued by said county under this section
67 shall be used only to pay notes issued under section
68 two, or for rebuilding the floor of the bridge, and the
69 proceeds of bonds or notes issued by said city under
70 this section shall be paid into the county treasury
71 of said county to be applied to the payment of the
72 notes issued by said county under section two. The
73 amount to be permanently assessed upon said county
74 and said city shall be the balance after deducting
75 from the total costs and expenses of the work author-
76 ized by this act so much of such costs and expenses
77 as shall be paid from funds contributed therefor by
78 the commonwealth or by any federal authority,
79 and the amount to be apportioned and assessed upon
80 said county and upon said city, respectively, shall in
81 each instance be fifty per cent of said balance.

1 SECTION 4. This act shall take full effect upon
2 its acceptance during the current year by the com-
3 missioners of Essex county.