

THE COMMONWEALTH OF MASSACHUSETTS

By His Excellency

Leverett Saltonstall  
Governor

EXECUTIVE ORDER NO. 34

WHEREAS, it is doubtful whether there is authority under any existing law to remove, and replace with a new fixed span bridge, the existing draw bridge over the Weymouth Back River; and

WHEREAS, the United States has acquired "land situated in the towns of Hingham and Weymouth lying on both sides of and in the bed of Weymouth Back River, to be used for the purposes of a naval magazine and for other purposes of national defense," such land running from a point a few feet on the inland side of the said existing draw bridge to a point where said River almost loses its identity in swamp and marsh land; and the United States has developed said land for a naval ammunition depot and now uses it as such, and has dredged said River so that ammunition can be transferred to and from said depot by water; and

WHEREAS, the frequent opening and closing of the draw of the existing bridge necessitated by the passage of vessels to and from the ammunition depot causes unreasonable delay to necessary defense vehicular traffic moving over said bridge; the sluggish response of the draw, due to the obsolete and inefficient machinery operating the same, causes unreasonable delay both to said defense traffic over said bridge and to water traffic to and from the ammunition depot; the narrow breadth of the existing draw bridge over the River prevents the passage of certain larger naval ammunition vessels; and the machinery of the existing draw bridge is of such doubtful reliability that the structure might fail to operate at any time, and thus prevent the passage of naval traffic along the River or defense vehicular traffic over the River; and

WHEREAS, the materials necessary to repair the machinery of the draw cannot be readily obtained because of the critical shortage of such materials; and any repair of the present bridge would not permit the passage of said larger naval ammunition vessels; and the construction of a new fixed span bridge of sufficient weight and breadth to permit the passage of any boat capable of navigating the Weymouth Back River would require a smaller amount of critical war materials, consume less time and cost less than the construction of a new draw bridge, and would eliminate the traffic delays inherent in a draw bridge, thereby expediting the National Defense; and

WHEREAS, the United States, through its Navy Department, has requested the Commonwealth, "as a matter of co-operation in the National Defense," to permit the United States, using United States funds, to replace the existing draw bridge with a proposed fixed span bridge and to remove the existing bridge after the completion of the new structure; and the County Commissioners of Norfolk and Plymouth counties and the Selectmen of the towns of Hingham and Weymouth have consented to said replacement and removal; and

WHEREAS, the proposed replacement of the existing draw bridge would result in

material saving to the Commonwealth, and its political subdivisions, in maintenance and replacement charges with respect to a bridge over the Weymouth Back River:

NOW, THEREFORE, I, LEVERETT SALTONSTALL, Governor of the Commonwealth of Massachusetts, acting under the authority of Acts of 1941, Chapter 719, section 7, Acts of 1942, Chapter 13, sections 2 and 3, and all other authority vested in me, do hereby issue this order as a measure necessary and expedient for meeting the supreme emergency of the existing state of war between the United States and certain foreign countries.

1. The State Department of Public Works, hereinafter referred to as the Department, is authorized and directed, in accordance with the provisions of Chapter 81 of the General Laws, insofar as the same may be applicable, to alter the existing state highway route 3A in the town of Weymouth and the existing state route 3A in the town of Hingham and to lay out a new state highway across the Weymouth Back River connecting said existing state highways as altered; and any action to this and heretofore taken by the Department under said Chapter 81 is approved and ratified. The Department shall prepare plans and specifications for the location and construction within said state highways of a fixed span bridge over said River and suitable approaches thereto, provided that the bridge shall have a clear width across the channel of the River of not less than seventy feet and a clear height above mean high water of not less than thirty six feet.

2. The United States, through its Navy Department or any other agency, is authorized to construct said bridge and the approaches thereto, according to the plans and specifications prepared by the Department, using United States funds therefor, and, upon the completion of said bridge and said approaches and upon the acceptance thereof by the Department, on behalf of the Commonwealth, to remove and dispose of the existing draw bridge.

3. The Department may, on behalf of the Commonwealth, take by eminent domain under Chapter 79 of the General Laws or acquire by purchase or otherwise, such lands or rights therein as it may deem necessary for carrying out the provisions of this Order. Any person whose property has been taken or injured by any action of the Department under authority of this Order may recover from the Commonwealth under Chapter 79 such damages therefor as he may be entitled to.

4. For the purpose of contributing towards the aforesaid land damages arising from the purchase or taking of land or rights in land, or from injury to land, each of the counties of Norfolk and Plymouth is hereby authorized to pay out upon the order of the Department sums up to one sixth of the total cost of said damages but not exceeding \$9000.

5. The authority conferred by this Order upon the Department is in addition to, and not in derogation of, any authority the Department now has under any provision of existing law.

GIVEN at the Executive Chamber in Boston, this third day of September, in the year of our Lord one thousand nine hundred and forty-two, and of the Independence of the United States of America, the one hundred and sixty-seventh.

By His Excellency the Governor,  
Leverett Saltonstall

Frederic W. Cook  
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS