

SENATE No. 272.

[Substituted by the Senate for House " Bill (No. 500) to amend section 1 of chapter 350 of the Acts of the year 1889, relating to a bridge across the Connecticut River, between Holyoke and Chicopee."]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-one.

AN ACT

In addition to an Act to provide for laying out a Highway and constructing a Bridge across the Connecticut River between Holyoke and Chicopee.

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. Section one of chapter three
2 hundred and fifty of the acts of the year eighteen
3 hundred and eighty-nine is hereby amended so
4 as to read as follows:—
5 “*Section 1.* The county commissioners of the
6 county of Hampden are hereby authorized and
7 directed to lay out a public highway and con-
8 struct a bridge with suitable approaches across
9 the Connecticut river in Holyoke and Chicopee,
10 between the bridge of the Connecticut River

11 Railroad Company across said river and the
12 southerly boundary of the line of the ferry called
13 the south Holyoke ferry between Holyoke and
14 Chicopee. The exact location of the highway
15 and bridge shall be determined by a commission
16 of three disinterested persons, to be appointed by
17 the superior court upon application of any ten
19 citizens of Holyoke or Chicopee.”

1 SECT. 2. Said county commissioners, before
2 entering upon any land for the purpose of laying
3 out said public highway and constructing said
4 bridge with suitable approaches thereto, shall file
5 in the office of the clerk of the courts of Hamp-
6 den county a report and survey showing the
7 location of the highway and bridge as determined
8 upon by said county commissioners and showing
9 the quantity of every owner's land taken for the
10 purposes aforesaid; also such estimate of dam-
11 ages as said county commissioners, after a hear-
12 ing of the parties, shall award.

1 SECT. 3. Said county commissioners may, if
2 they deem it expedient in constructing said
3 bridge, provide for the use of any portion thereof
4 for street railway purposes, and shall at all times
5 after the completion of said bridge determine
6 upon what terms and under what conditions
7 street railways may pass on, over or across said
8 bridge; provided the authority granted by this
9 section shall not be exercised unless the parties
10 in interest shall give good and sufficient security

11 to said commissioners that they will pay what-
12 ever additional cost is made by so constructing
13 said bridge, which shall be determined by said
14 county commissioners.

1 SECT. 4. The authority granted, and the duties
2 required, under the first section of said chapter
3 three hundred and fifty, as amended, shall be exer-
4 cised and performed and the bridge and approaches
5 completed before July one, eighteen hundred
6 and ninety-two; and in the event that said county
7 commissioners shall neglect or fail to make and
8 let said contracts before the first day of Septem-
9 ber *Anno Domini* eighteen hundred and ninety-
10 one, the supreme judicial court sitting within and
11 for said county of Hampden shall, upon the appli-
12 cation of any citizen of said county, by mandamus,
13 compel said county commissioners to immediately
14 make and let said contracts, and to perform the
15 duties required of them the said county commis-
16 sioners by this act.

1 SECT. 5. All damages incurred by any party
2 shall be provided for in accordance with the pro-
3 visions of said chapter three hundred and fifty,
4 and any party aggrieved by the determination of
5 said county commissioners in relation thereto may
6 have the damages assessed by a jury in the same
7 manner as is provided by law with respect to
8 damages sustained by reason of the laying out of
9 ways.

1 SECT. 6. This act shall take effect upon its
2 passage.

