

# HOUSE . . . . . No. 441.

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[Bill accompanying the petition of Jonathan B. L. Bartlett. Metropolitan Affairs.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred.

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### AN ACT

To require the Metropolitan Park Commission to rebuild the Bridge over the Neponset River between Blue Hills Parkway in the Town of Milton and Mattapan Square in the City of Boston.

*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 metropolitan park commission,  
2 created by chapter four hundred and seven of the acts  
3 of eighteen hundred and ninety-three, for the purpose of  
4 connecting the boulevard known as Blue Hills parkway  
5 with Blue Hill avenue in that part of Boston known as  
6 Mattapan, and of acquiring and reconstructing the pres-  
7 ent Mattapan bridge over the Neponset river and main-  
8 taining said new bridge, is hereby further authorized  
9 and empowered to the full extent of the Commonwealth's  
10 power of eminent domain and in addition to all other

11 provisions of law it enabling, to take and acquire in the  
12 name and for the benefit of the Commonwealth by the  
13 exercise hereunder of any of the powers authorized by  
14 said act and by chapter two hundred and eighty-eight  
15 of the acts of eighteen hundred and ninety-four and acts  
16 in addition to and amendment of said acts, all the right,  
17 title and interest of the public or any corporation or  
18 individual in, to or concerning land and rights in land,  
19 including so much as it may deem necessary of the bed  
20 and waters of the Neponset river and of the location of  
21 the railroad company near by, known as the Old Colony  
22 Railroad Company, leased to the New York, New Haven  
23 and Hartford Railroad Company, or however else it may  
24 be designated, and the present bridge and rights therein  
25 between said Blue Hills parkway, within the town of  
26 Milton, and said Blue Hill avenue in said city of Boston :  
27 *provided, however,* that said board shall not interfere  
28 with the operation of said railroad company during a  
29 period of six months from the time of taking or acquir-  
30 ing any portion thereof.

1 SECTION 2. Said board may remove the present  
2 bridges and structures over said river or any branch  
3 thereof between the portion of said parkway already con-  
4 structed and said avenue, and may build, erect and  
5 maintain in place thereof as a part of said parkway such  
6 suitable bridges or other structures as it may deem best  
7 for all the purposes for which said parkway and said ave-  
8 nue and said bridges may now or hereafter be legally  
9 used, and may keep the same in repair and establish such  
10 reasonable rules and regulations for the use thereof as it  
11 may from time to time deem necessary.

1 SECTION 3. If any portion of the present location  
2 and property of any railroad company is taken hereunder,

3 said railroad company, for the purpose of carrying out  
4 and facilitating the purposes of this act and all acts in  
5 amendment thereof and in addition thereto, is hereby  
6 authorized and empowered in accordance with the pro-  
7 visions of chapter one hundred and twelve of the Public  
8 Statutes and of all general laws then in force relating to  
9 the fixing of the route of railroads, to the laying out of  
10 the same, and the taking of lands and payment of dam-  
11 ages therefor, to take and acquire a new location and  
12 necessary land and rights in land within said city of Bos-  
13 ton and not a part of the lands taken or acquired by said  
14 commission or by said city as an open space, boulevard  
15 or public street, and also to construct, maintain and oper-  
16 ate a new line of railroad in place of the portion of its  
17 location and railroad taken or acquired as aforesaid.

1 SECTION 4. The Commonwealth shall compensate  
2 said railroad company for all damages sustained and ex-  
3 penses incurred by it by reason of any acts done under  
4 authority of this act, the same to be determined by  
5 agreement between said company and said board, and in  
6 case of disagreement, then to be determined by a com-  
7 mission of three disinterested persons to be appointed  
8 by the justice of the supreme judicial court or by a jury  
9 in the superior court for the county Suffolk, and in either  
10 case upon petition of any interested party.

1 SECTION 5. Said park commission shall have the  
2 same power to determine the value of and assess upon  
3 real estate the amount of betterments accruing to said  
4 real estate by reason of any taking by it hereunder which  
5 is conferred upon it in regard to takings and under said  
6 acts and acts in addition to and amendment of said acts.

1 SECTION 6. To meet expenses incurred under the  
2 authority of this act the treasurer and receiver-general

3 shall issue scrip or certificates of indebtedness, or bonds,  
4 to the amount of seventy-five thousand dollars, in addi-  
5 tion to the Metropolitan Parks Loan, series two. The  
6 sinking fund already established by law shall also be  
7 maintained for the purpose of extinguishing scrip, cer-  
8 tificates or bonds issued under the authority of this act.  
9 Any premium realized on the sale of said scrip or cer-  
10 tificates or bonds shall be applied to the payment of the  
11 interest on the loan hereby authorized, as it accrues.  
12 Said scrip or certificates of indebtedness or bonds shall  
13 be issued and said sinking fund assessed and collected in  
14 accordance with the provisions of said chapter two hun-  
15 dred and eighty-eight of the acts of the year eighteen  
16 hundred and ninety-four and of chapter five hundred  
17 and fifty of the acts of the year eighteen hundred and  
18 ninety-six, and of chapter four hundred and nineteen of  
19 the acts of the year eighteen hundred and ninety-nine.

1 SECTION 7. This act shall take effect upon its passage.