

SENATE No. 31.

To accompany the petition of George E. MacDonald, mayor, and another that the county commissioners of the county of Essex may be directed to construct a new drawbridge over the canal on Western Avenue in the city of Gloucester Roads and Bridges.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

To direct the County Commissioners of the County of Essex to construct a New Draw-bridge over the Canal on Western Avenue in the City of Gloucester.

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 are hereby authorized and di-
3 rected to construct a new bridge, with suitable
4 approaches, over the tide water known as the
5 "canal" in the city of Gloucester, at or near the
6 present location of the "Cut" bridge, so called,

7 on Western avenue. Said bridge shall be con-
8 structed with a draw not less than forty feet wide
9 in the open, and shall be of such width, grade,
10 material and construction as said county commis-
11 sioners, with the approval of the board of harbor
12 and land commissioners, shall deem reasonably
13 necessary and proper.

1 SECTION 2. The expense incurred under this
2 act shall not exceed the sum of fifty-five thousand
3 dollars, and shall be paid in the first instance
4 from the treasury of the county of Essex. The
5 Boston and Northern Street Railway Company
6 shall pay into the treasury of said county as their
7 proportion of the expense of said bridge and the
8 approaches thereto a sum equal to ten per centum
9 of said expense; and, provided that said Boston
10 and Northern Street Railway Company shall pay
11 into the treasury of said county the said amount,
12 and shall enter into an agreement with the county
13 commissioners of said county to keep that part of
14 the roadway upon said bridge between the tracks
15 of the company and eighteen inches outside
16 thereof in repair and safe for public travel, sub-
17 ject to such conditions as said commissioners
18 shall impose, said company shall thereupon have
19 and is hereby granted a location upon said bridge
20 for the construction and maintenance of its tracks,
21 poles and wires, and for the operation of its rail-
22 way thereon, and the location herein granted
23 shall not be revoked except by the county com-
24 missioners of the county of Essex, after public no-

25 tice and a hearing, and no such revocation shall be
26 valid until approved by the board of railroad com-
27 missioners. The county commissioners of said
28 county are hereby authorized and directed to bor-
29 row on the credit of the county such sums of
30 money as may from time to time be required for
31 such cost and expenses. All moneys so borrowed
32 shall be deposited in the county treasury, and the
33 treasurer of the county shall pay out the same as
34 ordered by said county commissioners, and shall
35 keep a separate and accurate account of all sums
36 borrowed and expended, including interest.

1 SECTION 3. Upon the completion of said
2 bridge and approaches said county commissioners
3 shall file in the office of the clerk of courts for
4 said county of Essex a detailed statement, certi-
5 fied under their hands, of the actual cost of said
6 bridge and approaches, and, within three months
7 from the filing of such statement, they shall, after
8 such notice as they may deem proper, and a hear-
9 ing, apportion and assess upon the city of
10 Gloucester, and upon such towns as in their judg-
11 ment derive a special benefit by said bridge, such
12 part, not exceeding thirty per centum of the ex-
13 pense of constructing the bridge and approaches,
14 as they may deem just and reasonable, and in
15 such proportion as they may determine. Said
16 commissioners shall file in the office of the clerk
17 of courts of said county a report of such appor-
18 tionment, and said clerk shall transmit a true and
19 attested copy thereof to the mayor of the city of

20 Gloucester and the selectmen of the towns men-
21 tioned therein; and said city and each of said
22 towns shall pay its proportion of said expense,
23 determined by said commissioners as aforesaid,
24 into the treasury of the county of Essex, in such
25 manner and within such time as the commissioners
26 for said county may direct; and if the city of
27 Gloucester or any town shall neglect or refuse to
28 pay its proportion required as aforesaid the said
29 commissioners shall, after notice to said city or
30 any town, issue a warrant against said city or
31 town for its proportion, determined as aforesaid,
32 with interest and the costs of the notice and
33 warrant, and the same shall be collected and paid
34 into the treasury of said county, to be applied in
35 payment of the expense aforesaid. For the fore-
36 going purposes, the city of Gloucester is hereby
37 authorized to issue from time to time bonds, to be
38 denominated Canal Bridge Loan, Act of 1905,
39 bearing interest payable semi-annually at a rate
40 not exceeding four per centum per annum, and pay-
41 able within such periods not exceeding fifteen
42 years from their dates of issue as the city council
43 shall from time to time determine. Except as
44 otherwise provided herein such bonds shall be
45 issued in accordance with the provisions of chapter
46 twenty-seven of the Revised Laws and acts in
47 amendment thereof and in addition thereto, but
48 they shall not be reckoned in determining the
49 legal limit of indebtedness of the said city.

1 SECTION 4. The cost of the maintenance and

2 operation of said bridge and approaches, after the
3 completion of the same, except as hereinbefore
4 provided, shall be borne and paid by said county,
5 or by the city of Gloucester and such towns
6 therein, as the county commissioners of said
7 county may determine, after notice and hearing
8 as herein provided.

1 SECTION 5. This act shall take effect upon its
2 passage.

