

# HOUSE . . . . No. 2001

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## The Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, May 29, 1911.

The committee on Roads and Bridges, to whom was referred the petition (with accompanying bill, House, No. 1730) of Moody Kimball and others, county commissioners of the county of Essex, for legislation to provide for a new bridge across Saugus river between the city of Lynn and the town of Saugus, report the accompanying bill.

For the committee,

WILLIAM J. MURRAY.

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HOUSE OF REPRESENTATIVES, June 13, 1911.

The committee on Counties on the part of the House, to whom was referred the Bill to provide for the reconstruction of Fox Hill bridge over Saugus river between the city of Lynn and the town of Saugus, report that the same ought to pass.

For the committee,

CLARENCE J. FOGG.

## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

### AN ACT

To provide for the Reconstruction of Fox Hill Bridge over Saugus River between the City of Lynn and the Town of Saugus.

*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. Whereas public necessity and convenience  
2 require the reconstruction of the joint railway and high-  
3 way bridge, commonly known as Fox Hill bridge, over  
4 the tide water known as Saugus river, between the city  
5 of Lynn and the town of Saugus, the county commis-  
6 sioners of the county of Essex, subject to the provisions  
7 of chapter ninety-six of the Revised Laws and acts in  
8 amendment thereof and in addition thereto and of all  
9 other general laws which may be applicable, are hereby  
10 authorized and directed to reconstruct the said bridge  
11 and approaches thereto with a draw not less than forty  
12 feet wide in the open, the same to be operated by electric  
13 power.

1 SECTION 2. The expense incurred under this act shall  
2 be paid in the first instance by the county of Essex and  
3 shall not exceed one hundred and fifty thousand dollars.

4 Upon the completion of the said bridge and approaches  
5 the said county commissioners shall file in the office of  
6 the clerk of courts for the county of Essex a detailed  
7 statement certified under their hands of the actual cost of  
8 reconstructing said bridge and approaches, and within  
9 three months from the filing of such statement they shall,  
10 after such notice as they may deem proper and a hear-  
11 ing, apportion and assess upon the city of Lynn and  
12 upon the Boston and Northern Street Railway Company  
13 sixty per cent of the said cost of reconstructing the  
14 bridge and approaches, twenty-five per cent upon the city  
15 of Lynn and thirty-five per cent upon the Boston and  
16 Northern Street Railway Company.

17 Said commissioners shall file in the office of the clerk of  
18 the courts of said county a report of such apportionment  
19 and said clerk shall forthwith transmit a true and attested  
20 copy thereof to the city of Lynn and to the president of  
21 the Boston and Northern Street Railway Company, and  
22 the said city shall pay its proportion of said expense deter-  
23 mined as aforesaid into the treasury of the county of  
24 Essex in such manner and in such time as the said com-  
25 missioners may direct, and if the city of Lynn shall neg-  
26 lect or refuse to pay its proportion required as aforesaid  
27 the said commissioners shall after notice to said city issue  
28 a warrant against said city for its proportion as aforesaid  
29 with interest and the cost of the warrant, and the same  
30 shall be collected and paid into the treasury of said county  
31 to be applied in payment of the expense aforesaid.

32 And, *provided*, the said Boston and Northern Street  
33 Railway Company shall pay into the treasury of the said  
34 county its proportion determined as aforesaid, and shall  
35 enter into an agreement with the county commissioners to  
36 keep the roadway on said bridge within the limits set  
37 aside by said commissioners for railway purposes, in re-

38 pair at its own expense, the said company, its successors  
39 and assigns, shall thereupon have and are hereby granted  
40 the title in fee simple, to that part of said bridge so set  
41 aside for railway purposes, which part shall not be less in  
42 width than twenty-six and one half feet.

43 The amount of any assessment paid by said company  
44 under this section shall be deemed, in all proceedings  
45 thereafter as a part of the value of its property for street  
46 railway purposes; and the company may issue stock or  
47 bonds to meet the expenses incurred under this act to an  
48 amount approved by the board of railroad commissioners  
49 as reasonably necessary to provide for the payment  
50 thereof.

1 SECTION 3. For the foregoing purposes the city of  
2 Lynn is hereby authorized to issue serial bonds bearing  
3 interest payable semi-annually at a rate not exceeding  
4 four per cent per annum, and payable within such period,  
5 not exceeding twenty years, from the date of issue as the  
6 city council of the said city may determine. But the said  
7 bonds shall not be reckoned in determining the legal in-  
8 debtedness of the said city.

9 The county commissioners for said county are hereby  
10 authorized and directed to borrow on the credit of the  
11 county such sum or sums of money as may from time to  
12 time be required for the cost and expenses aforesaid. All  
13 moneys so borrowed shall be deposited in the county treas-  
14 ury and the treasurer of the said county shall pay out  
15 the same as ordered by the county commissioners and  
16 shall keep a separate and accurate account of all sums so  
17 borrowed and expended, including interest.

1 SECTION 4. The cost of the operation of the said  
2 bridge and approaches after the completion of the same,

3 including repairs and painting, except that portion of the  
4 roadway set aside for railway purposes in accordance  
5 with section two of this act, shall be paid in the first  
6 instance by the county of Essex and shall be apportioned  
7 and assessed upon the said city and said railway com-  
8 pany and the county of Essex in the proportion of thirty-  
9 three and one third per cent upon each. The cost of  
10 maintenance of the roadway upon said bridge, except as  
11 otherwise provided by this act, shall be apportioned and  
12 assessed upon the city of Lynn and the county of Essex,  
13 fifty per cent upon each.

14 The county commissioners of the said county shall have  
15 full control of the said bridge, and shall annually in the  
16 month of November submit to the city of Lynn and to the  
17 said railway company a true statement of the expense of  
18 its maintenance and operation; and within thirty days  
19 thereafter the said city and the said railway company  
20 shall pay into the treasury of the county their proportions  
21 determined as aforesaid, and if the said city or the said  
22 railway company shall neglect or refuse to pay the same,  
23 the said commissioners shall, after a notice to the said  
24 city or the said company, or either of them, issue a war-  
25 rant, and the same with interest and costs of notice and  
26 warrant shall be collected and paid into the treasury of  
27 the county to be applied in the payment of the expenses as  
28 aforesaid.

1 SECTION 5. The said county commissioners are hereby  
2 authorized to take or purchase the lands, rights or ease-  
3 ments which may be required to carry out the purposes  
4 of this act; but in order to acquire land or rights in land,  
5 otherwise than by purchase, they shall first record in the  
6 registry of deeds for the northern district of the county  
7 of Essex a statement containing a description of the

8 lands or rights taken or affected, and shall file a plan of  
9 the same in said registry. They shall estimate the dam-  
10 ages to property, if any, sustained by any person by such  
11 taking of land, rights or easements or by the laying out  
12 as aforesaid, and any person aggrieved thereby may pro-  
13 ceed in the same manner as in the case of highways,  
14 within one year after the filing of said statement; but  
15 in no event shall interest be recovered against the county  
16 for more than four per cent per annum.

1 SECTION 6. In the construction of the said bridge all  
2 reasonable opportunity shall be given to the metropolitan  
3 water board to maintain and operate their pipe line now  
4 supported in part by the pile structure and such reason-  
5 able modifications of the plans as may be necessary shall  
6 be made by the county commissioners to permit of the  
7 proper permanent relocation of the pipe either upon or  
8 adjacent to the finished structure: *provided*, that all added  
9 expense due to the protection and relocation of said water  
10 pipe shall be paid by the metropolitan water board.

1 SECTION 7. All acts and parts of acts inconsistent  
2 herewith are hereby repealed.

1 SECTION 8. This act shall take effect upon its passage.