

SENATE.... No. 293.

[House, No. 245, as passed by that branch.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-
Two.

AN ACT

To authorize the construction of a Highway and Railway
Bridge over Taunton Great River and for other pur-
poses.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :—*

- 1 SECT. 1. The Old Colony and Newport Railway
- 2 Company may construct a bridge across Taunton
- 3 Great River, from some point near Slade's ferry in
- 4 Fall River, to some point near Slade's ferry in Somer-
- 5 set ; and said bridge shall be adapted to both high-

6 way and railway purposes, and in the construction
7 thereof said company shall be subject to the provis-
8 ions of section four of chapter one hundred and forty-
9 nine of the acts of the year eighteen hundred and
10 sixty-six; and said bridge shall be provided with such
11 a draw, not exceeding sixty feet wide, as the harbor
12 commissioners may direct. The board of railroad
13 commissioners shall approve the plans for said bridge
14 before work thereon is commenced, and said bridge
15 shall be constructed to their approval. The supreme
16 judicial court, upon the application of said company,
17 or of any ten citizens of the county of Bristol, shall
18 appoint three special commissioners, who shall assess
19 from time to time, as the work progresses, one-fourth
20 part of the equitable cost of said bridge upon the
21 county of Bristol, the same to be paid to said com-
22 pany, and upon the completion of said bridge that
23 portion thereof adapted to highway purposes shall
24 thereupon become a public road and highway.

1 SECT. 2. Said corporation may locate, construct and
2 maintain, a railroad from its railroad in Fall River
3 over said bridge, and thence to its railroad in Somer-
4 set or Dighton; and the Fall River, Warren, and
5 Providence Railroad Company may extend its railroad
6 from some convenient point thereof in the town of
7 Somerset to the westerly end of said bridge; and
8 there enter upon, connect with and use the railroad
9 of the Old Colony and Newport Railway Company,
10 subject to the provisions of the general laws relat-
11 ing to connecting railroads: *provided*, that the Fall

12 River, Warren and Providence Railroad Company
13 may elect, instead of making the connection pro-
14 vided for in this section, within the time limited
15 by this act for making said extension, to purchase
16 one-third part of the interest of the Old Colony
17 and Newport Railway Company in said bridge,
18 at the cost thereof, and to extend its railroad to
19 some convenient point in the city of Fall River,
20 and purchase or otherwise take land for depot pur-
21 poses. In case of the purchase of an interest in said
22 bridge, the use and control thereof, in default of the
23 agreement of the parties, shall be regulated by the
24 railroad commissioners.

1 SECT. 3. After due public notice and hearing
2 of all parties in interest, the commissioners ap-
3 pointed under the provisions of section one shall
4 proceed to determine and award what cities and
5 towns in said county (if any) receive particular and
6 special benefit from the construction of such bridge;
7 and to apportion and assess upon said county and
8 such cities and towns, and in such manner and pro-
9 portion as they shall deem equitable and just, the
10 one-fourth part of the cost of said bridge to be paid
11 by said county; and thereafter the county commis-
12 sioners of said county shall apportion and assess upon
13 said county and the cities and towns therein the ex-
14 pense to the county, under the provisions hereof.
15 The cost of maintaining that portion of said bridge
16 (excluding the main framework thereof), to be
17 used as a highway, and one-fourth of the cost

18 of maintaining the substructure and main framework
19 of said bridge, and of operating the draw thereof,
20 shall be borne by the cities and towns in said county
21 in such proportions as shall be determined by the
22 county commissioners after due notice and hearing
23 thereon. Neither said county nor any city or
24 town therein shall be liable for damages occa-
25 sioned by the negligence of any railroad company
26 using said bridge, and no such railroad company shall
27 be liable for damages occasioned by the negligence of
28 said county or any city or town therein.

1 SECT. 4. To provide means for the purposes of
2 this act, the Fall River, Warren and Providence
3 Railroad Company may increase its capital stock by
4 the amount of one thousand shares, and the Old Col-
5 ony and Newport Railway Company may increase its
6 capital stock by the amount of two thousand shares.
7 The county commissioners for said county of Bristol
8 may borrow, from time to time, such sums of mon-
9 ey as may be necessary to comply with the provi-
10 sions of this act, and the cities and towns of said
11 county may, from time to time, borrow or raise by
12 taxation such sums of money as may be necessary to
13 comply with the provisions of this act.

1 SECT. 5. The proprietors of Slade's ferry, when
2 the construction of said bridge is commenced, under
3 the provisions of this act, shall be under no legal
4 obligation to continue and maintain a ferry at that
5 place.

1 SECT. 6. For the purpose of building an addi-
2 tional track and side tracks, the New Bedford and
3 Taunton Railroad Corporation may take additional
4 land between the depot of the Taunton Branch Rail-
5 road Corporation and Weir Junction, not exceeding
6 five rods in width, including the land now covered by
7 the location of said New Bedford and Taunton Rail-
8 road Corporation.

1 SECT. 7. At any time after the bridge herein
2 before mentioned has been completed and opened for
3 use, by the Old Colony and Newport Railway Com-
4 pany, a board of three commissioners shall, upon the
5 application of the city of Taunton, and public notice
6 thereof given, be appointed by the supreme judicial
7 court; and said commissioners shall have power to
8 require said Old Colony and Newport Railway Com-
9 pany to remove a section of the present bridge across
10 Taunton Great River, so as to furnish a passage-way
11 in the channel of said river not less than one hundred
12 feet wide, unless in the judgment of a majority of said
13 commissioners the greater public convenience and
14 necessity require the continued maintenance and use
15 of said bridge. And if said commissioners shall de-
16 cide to order the removal of a section of said bridge,
17 as above, said Old Colony and Newport Railway
18 Company shall remove the same within one year from
19 the date of the decision of said commissioners.

1 SECT. 8. The time within which the railroads hereby
2 authorized to be built may be located and constructed

3 is limited to two years from the passage hereof, and
4 the provisions relative to the issue of new stock by
5 the Fall River, Warren and Providence Railroad
6 Company and the Old Colony and Newport Railway
7 Company shall be void, so far as the power to issue
8 said stock is not exercised within two years from the
9 passage hereof.

1 SECT. 9. This act shall take effect upon its pas-
2 sage.

HOUSE OF REPRESENTATIVES, April 27, 1872.

Passed to be engrossed.

Sent up for concurrence.

W. S. ROBINSON, *Clerk.*