

SENATE . . . . No. 326.

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Commonwealth of Massachusetts.

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IN SENATE, June 3, 1868.

The Joint Special Committee, to whom was committed the Report of the Committee of the last legislature, appointed to consider and report a plan for the maintenance of the Charles River and Warren Bridges, with accompanying documents, report the accompanying Bill.

Per order,

ROBT. C. PITMAN, *Chairman.*

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty  
Eight.

### AN ACT

Relating to Charles River Bridge and Warren Bridge.

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

1   SECT. 1. The supreme judicial court, sitting as a  
2 full court in any county at any time after the passage  
3 of this act, upon the petition of the attorney-general,  
4 and after such notice as the court or any justice  
5 thereof may order, shall appoint three discreet and  
6 competent commissioners for the purposes hereinafter  
7 named.

1   SECT. 2. Said commissioners shall be sworn to the  
2 faithful and impartial discharge of their duties, and  
3 shall then, after due public notice and hearing of all  
4 parties in interest, proceed to determine and award  
5 what counties, cities or towns receive particular and

6 special benefit from the maintenance of Charles  
7 River Bridge and Warren Bridge, and to apportion  
8 and assess the expense of maintaining the same upon  
9 such of said counties, cities or towns, and in such  
10 manner and amount as they shall deem equitable and  
11 just. And the said commissioners shall, likewise, at  
12 the same time assign or divide the moneys, funds,  
13 properties and other things now belonging to said  
14 bridges or the bridge fund, to or between any of said  
15 corporations, in such manner as to justly and equit-  
16 ably apportion the same with reference to the burden  
17 imposed.

1     SECT. 3. When such award has been returned into  
2 the supreme judicial court sitting for the county of  
3 Suffolk, and has been accepted by said court, the  
4 same shall be a final and conclusive adjudication of  
5 the matters herein referred to them, and binding upon  
6 all parties, and said court may enforce the same, if  
7 necessary, by proper process.

1     SECT. 4. Upon the acceptance of said award by  
2 the court, as aforesaid, the said bridges shall become  
3 highways, and the cities of Boston and Charlestown,  
4 respectively, shall severally be liable for all damages  
5 arising from any want of repair in those portions  
6 thereof within their respective limits. And the care  
7 and management of said bridges shall be vested in a  
8 board of commissioners, consisting of two persons  
9 from each city, chosen in accordance with such ordi-  
10 nances as said cities shall severally establish; and

4 CHARLES RIVER & WARREN BRIDGES. [June,  
11 until such commissioners are chosen, the mayors of  
12 said cities shall, *ex officio*, constitute a board of com-  
13 missioners. All funds and moneys provided for in  
14 this act shall be received and held by said commis-  
15 sioners.

1 SECT. 5. The commissioners appointed under the  
2 first section of this act, in their estimate of the expense  
3 of maintaining said bridges, shall include the expense  
4 of opening the draws thereof and affording all neces-  
5 sary and proper accommodations to vessels having  
6 occasion to pass the same by day or by night.

1 SECT. 6. The commissioners appointed under the  
2 first section of this act shall have authority to deter-  
3 mine and award what sum the Middlesex Railroad  
4 Company, and any other corporation which may have  
5 authority to run street railway cars or other vehicles  
6 for the business of carrying passengers over said  
7 bridges or either of them, shall contribute to the  
8 expense of maintaining them.

1 SECT. 7. The said commissioners shall have power  
2 to make their award either in a gross sum or in annual  
3 payments.

1 SECT. 8. The said commissioners shall have power  
2 to sell and dispose of a certain triangular piece  
3 of land belonging to the Commonwealth, situated at  
4 the Boston end of the Warren Bridge and between  
5 the same, the southern pier of its draw and the Fitch-

6 burg Railroad bridge, containing about twenty thou-  
7 sand square feet, and to add the proceeds of the same  
8 to the fund for said bridges: *provided, however*, that  
9 the occupancy and improvement of the same shall be  
10 subject to the approval of the board of harbor com-  
11 missioners.

1     SECT. 9. Nothing contained in this act shall release  
2 the city of Boston from its obligation to keep in repair  
3 all that part of Warren Bridge connected with its  
4 water works, nor from its liability for any damages  
5 arising from any defect in or accident to said works,  
6 nor shall release the Middlesex Railroad Company  
7 from any legal obligation now existing to maintain  
8 and keep in repair any portion of said bridges, nor  
9 from any liability for loss or injury that any person  
10 may sustain by reason of any carelessness, neglect or  
11 misconduct of its agents or servants in the manage-  
12 ment, construction or use of its tracks on said bridges.

1     SECT. 10. The compensation of the commissioners  
2 named in the first section of this act shall be fixed by  
3 the court to which the award is returned, and paid  
4 from the treasury of the Commonwealth.

1     SECT. 11. All acts and parts of acts inconsistent  
2 herewith are hereby repealed, saving and excepting,  
3 however, all rights of action existing at the time of  
4 the passage hereof.

1     SECT. 12. This act shall take effect on its pas-  
2 sage.

