

HOUSE . . . . . No. 100.

---

[Bill accompanying the petition of John E. Bates. Counties.]

---

Commonwealth of Massachusetts.

---

In the Year One Thousand Eight Hundred and Ninety-nine.

---

AN ACT

To provide for Altering and Rebuilding the Highway Bridge over the Connecticut River between the City of Northampton and the Town of Hadley.

*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 Hampshire are hereby authorized to  
3 repair, alter, widen and rebuild the highway  
4 bridge over the Connecticut river between North-  
5 ampton and Hadley in such manner as in their  
6 judgment public necessity and convenience may  
7 require, and to make such changes in the ap-  
8 proaches to said bridge as may be expedient  
9 therefor.

1 SECTION 2. Said county commissioners may,  
2 if they deem it expedient, in altering, widening

3 and rebuilding said bridge provide for the use  
4 thereof for street railway purposes. And they  
5 may at any time grant to any street railway com-  
6 pany now organized or in process of organization  
7 or which may be hereafter organized, a location  
8 for its tracks and appliances on and over said  
9 bridge upon such conditions and restrictions as  
10 in their judgment public necessity and conven-  
11 ience may require. Applications for such location  
12 shall be made to said county commissioners and  
13 notice shall be given and a hearing had by them  
14 in the manner provided by section fourteen of  
15 chapter five hundred and seventy-eight of the  
16 Acts of the year eighteen hundred and ninety-  
17 eight for the granting of locations in cities and  
18 towns. A location so granted shall be deemed  
19 and taken to be the true location of the tracks  
20 and appliances of said street railway company on  
21 said bridge, if an acceptance thereof in writing  
22 by the directors of said company is filed with said  
23 county commissioners within thirty days after re-  
24 ceiving notice of the granting of said location.

1 SECTION 3. All expenses incurred under this  
2 act, including all expenses of maintaining and  
3 keeping in repair said bridge when completed,  
4 shall be borne and paid by the county of Hamp-  
5 shire and such cities and towns in said county,  
6 in such proportion and in such manner as shall  
7 be determined under the following provisions.

1 SECTION 4. When the changes herein author-  
2 ized are completed, and as soon as the full cost

3 thereof is ascertained, said county commissioners  
4 shall file their report of the facts, together with  
5 the amount of such cost, in the office of the clerk  
6 of the superior court for the county of Hamp-  
7 shire; whereupon and upon the application of said  
8 county commissioners or any party interested, and  
9 after such notice as the court may order, said  
10 court shall appoint a board of three commissioners,  
11 who shall be sworn to the faithful discharge of  
12 their duties hereunder, and who, after proper  
13 notice to and a full hearing of all parties inter-  
14 ested, shall award and determine what propor-  
15 tional part of the cost so reported, and what pro-  
16 portional amount of all expenses of maintaining  
17 and keeping in repair said bridge, and all other  
18 expenses incurred under this act shall be borne  
19 and paid by the county of Hampshire and by such  
20 cities and towns in the said county as they shall  
21 award and determine will be specifically benefited  
22 by said bridge; and they shall also award and  
23 determine how, and by whom and to whom, such  
24 proportional amounts shall be paid.

1 SECTION 5. The determination and award of  
2 said commissioners, or the majority of them, shall  
3 be by them reported in writing to the superior  
4 court for the county of Hampshire, and upon  
5 acceptance by said court, and judgment and  
6 decree entered thereon, shall be binding upon all  
7 parties named therein; and such proceedings may  
8 be had upon such judgment or decree, to enforce  
9 and carry into effect the same, as provided by law

10 in civil cases in said court. The compensation  
11 and expenses of said commission shall be paid in  
12 such manner as they shall determine, subject to  
13 the approval of said court.

1 SECTION 6. If for the purpose of widening  
2 and rebuilding said bridge and changing the ap-  
3 proaches thereto, the said county commissioners  
4 deem it necessary to take and appropriate and  
5 use the lands and property of private owners,  
6 said county commissioners are hereby authorized  
7 to enter upon, take, appropriate and use such  
8 lands and property.

1 SECTION 7. Said county commissioners shall  
2 estimate and determine all damages that may be  
3 sustained by any party or parties by the taking,  
4 appropriating and using of land and property  
5 as aforesaid; but any party aggrieved by such  
6 determination of said county commissioners may  
7 have his damages assessed by a jury in the same  
8 manner as is provided by law with respect to  
9 damages sustained by reason of the laying out of  
10 ways.

1 SECTION 8. The city council of Northampton,  
2 after the completion of said bridge, shall have the  
3 care and superintendence of said bridge, its abut-  
4 ments and piers, and cause them to be kept in  
5 good repair and safe and convenient for travel;  
6 the cost of the repairs, care and superintendence  
7 of said bridge to be borne by such parties as the

8 board of commissioners hereinbefore provided for  
9 shall determine, under authority hereinbefore  
10 granted.

1 SECTION 9. Said county commissioners may  
2 make such disposal of any portion of the present  
3 bridge structure and the materials therein which  
4 shall not be used in reconstructing and widening  
5 said bridge, as they may deem expedient. All  
6 sums which may be realized from the sale of such  
7 materials and portions of the present structure  
8 shall be applied toward the reduction of the cost  
9 of the alterations and changes herein authorized.

1 SECTION 10. The said county commissioners  
2 shall severally receive such pay for their services  
3 and expenses in acting under the authority herein-  
4 before granted as shall be approved by a justice  
5 of the superior court. The amount so allowed  
6 shall be regarded as a part of the cost of the  
7 alterations hereinbefore authorized, and shall be  
8 included in the sum to be apportioned upon the  
9 towns specifically benefited and the county, in the  
10 manner hereinbefore provided.

1 SECTION 11. The said county commissioners  
2 are authorized to expend a sum not exceeding one  
3 thousand dollars for surveys and plans, which  
4 sum shall be included in the cost of the alterations  
5 hereinbefore authorized. In case such alterations  
6 shall not be made said sum may be included in the  
7 county tax for the year nineteen hundred.

1 SECTION 12. The county commissioners of the  
2 county of Hampshire are hereby authorized to  
3 borrow upon the credit of said county, and to ap-  
4 propriate and expend a sum not exceeding one  
5 hundred and fifty thousand dollars for the pur-  
6 pose of carrying into effect the authority granted  
7 in this act.

1 SECTION 13. No county commissioner shall  
2 be disqualified from acting under the authority  
3 given by this act by reason of his residence.

1 SECTION 14. This act shall take effect on its  
2 passage.



