

HOUSE....No. 111.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, February 27, 1872.

The Committee on Roads and Bridges, to whom was referred the petition of J. L. Worthy and others for a free bridge across the Connecticut River at Springfield, have heard the evidence relating to the matter of said petition, and report the accompanying Bill.

Per order,

B. F. HAYES.

PETITION.

*To the Honorable the Senate and House of Representatives of
Massachusetts.*

The subscribers, citizens of said Commonwealth, respectfully represent that public convenience and necessity require the building of a free bridge across the Connecticut River between the town of West Springfield and the city of Springfield, and pray that the county commissioners of the county of Hampden be authorized and directed to locate and construct such bridge, from the Common in said West Springfield across said river, and to connect the same by suitable approaches and highways with the Plainfield road, so called, in said Springfield.

J. L. WORTHY *and others.*

SPRINGFIELD, October 28, 1871.

Commonwealth of Massachusetts.

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

AN ACT

In relation to a Free Bridge across the Connecticut River,
between Springfield and West Springfield.

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 county commissioners of Hampden
2 County are hereby authorized and directed to lay out
3 and construct a highway and bridge, with suitable
4 approaches thereto, across the Connecticut River, from
5 the easterly end of the common in West Springfield
6 to some point in the city of Springfield opposite there-
7 to; and they are also authorized and directed to lay
8 out and construct a public highway, to connect the
9 said bridge with the Plainfield road, so called, in said
10 Springfield.

1 SECT. 2. Said commissioners may, if they deem it
2 expedient, in constructing said bridge provide for the

3 use of a portion thereof for street railway purposes,
4 and shall at all times after the completion of said
5 bridge have authority to determine upon what terms
6 and under what conditions street railways may be laid
7 and used upon and across said bridge.

1 SECT. 3. Before proceeding to locate said bridge
2 and to lay out and establish said highway, the said
3 commissioners shall give notice of the time when and
4 the place at which they will meet to hear all parties
5 interested, by causing a notice of such time and place
6 to be published for two successive weeks in some
7 newspaper published in said county.

1 SECT. 4. The said commissioners shall estimate
2 and award damages, occasioned by the location of said
3 bridge, and the laying out of said highway, in the
4 same manner as is now provided by law in the case of
5 laying out highways, and any person aggrieved by the
6 award of said commissioners shall have a like remedy
7 by application for a jury as in the case of laying out
8 highways under the provisions of the General Statutes.

1 SECT. 5. All expenses incurred under this act, in-
2 cluding all expense of maintaining and keeping in
3 repair said bridge, its approaches and the said high-
4 way, shall be borne and paid by said county and such
5 cities and towns therein, in such proportions and in
6 such manner as shall be determined under the follow-
7 ing provisions.

1 SECT. 6. When such bridge and highway are
2 completed and the full cost thereof ascertained, in-

3 cluding therein all land damages awarded or assessed,
4 said county commissioners shall file a report of the
5 fact, together with the amount of such cost, in the
6 office of the clerk of the supreme judicial court of
7 the county of Hampden, whereupon, and upon the
8 application of the county commissioners or any party
9 interested, and after such notice as the court may
10 order, said court may appoint a board of three com-
11 missioners, who shall be sworn to the faithful dis-
12 charge of duties hereunder, to said county and to the
13 cities and towns interested, served in such manner as
14 the court may direct, and a hearing of such of said
15 parties as may desire to be heard, shall award and
16 determine what proportional part of the cost so re-
17 ported, and what proportional part of the cost of
18 maintaining and keeping said bridge and highway in
19 repair, and all other expenses incurred under this act,
20 shall be borne and paid by the county of Hampden
21 and by such cities and towns in said county as they
22 award and determine will be specially benefited
23 thereby, and they shall also award how and by whom
24 and to whom such proportional amounts shall be
25 paid.

1 SECT. 7. The determination and award of said
2 commissioners, or a majority of them, shall be by
3 them reported in writing to the supreme judicial
4 court for said county, and upon the acceptance there-
5 of by said court and judgment and decree entered
6 thereon, shall be binding upon all parties named
7 therein, and such proceedings may be had upon such
8 judgment and decree to enforce and carry the same

9 into effect as is provided by law in civil cases in said
10 court.

11 The compensation and expenses of said commission
12 shall be paid in such manner as they shall by their
13 award determine, subject to the approval of the said
14 court; and all matters and things provided by this act
15 to be done in and by said court, except the final
16 judgment and decree, may be done by any justice
17 thereof as well in vacation as in term time.

1 SECT. 8. After the completion of said bridge and
2 highway, the city of Springfield and the town of
3 West Springfield shall have the care and the super-
4 intendence of the said bridge, its abutments and piers,
5 and the city of Springfield of the highway leading
6 from said bridge to the Plainfield road, and shall
7 cause them to be kept in good repair and safe and
8 convenient for travel; the cost of the said repairs,
9 care and superintendence to be borne by such parties
10 as the board of commissioners shall determine under
11 the authority herein before granted.

1 SECT. 9. Liability for defects in the bridge, its
2 piers and abutments, shall exist on the part of the
3 town of West Springfield and the city of Springfield,
4 in such proportions as by the award of said commis-
5 sion they severally pay towards the cost of keeping
6 the same in repair; liability for defects in the high-
7 way leading from said bridge to the Plainfield road
8 shall exist only upon the part of the city of Spring-
9 field.

1 SECT. 10. The county commissioners of said county
2 are hereby authorized to borrow on the credit of said

3 county a sum not exceeding one hundred and fifty
4 thousand dollars for the purpose of carrying into
5 effect the provisions of this act.

6 The said bridge shall not be opened to travel, and
7 no travel shall be permitted thereon, until the expira-
8 tion of the right of the Springfield Bridge Company
9 to take tolls, as provided by its charter.