

HOUSE No. 345.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 15, 1872.

The Committee on Railways, to whom was recommitted the Bill in relation to the construction of a highway and railway bridge over Taunton Great River, and for other purposes, report that the Bill ought to pass in a new draft.

Per order,

G. O. FAIRBANKS.

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 purposes.

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 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 plan 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 cost of said bridge upon the county of
21 Bristol, the same to be paid to said company, and
22 upon the completion of said bridge that portion
23 thereof adapted to highway purposes shall thereupon
24 become a public road and highway.

1 SECT 2. Said corporation may locate, construct
2 and maintain, a railroad from its railroad in Fall
3 River over said bridge, and thence to its railroad in
4 Somerset; and the Fall River, Warren, and Provi-
5 dence 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. The cost of maintaining that portion of
2 said bridge (excluding the main framework thereof),
3 to be used as a highway, and one-fourth of the cost
4 of maintaining the substructure and main framework
5 of said bridge, and of operating the draw thereof,
6 shall be borne by the county of Bristol and the cities
7 and towns therein; and, after due public notice and
8 hearing of all parties in interest, the commissioners
9 appointed under the provisions of section one shall
10 proceed to determine and award what cities and
11 towns in said county (if any) receive particular and
12 special benefit from the construction of such bridge;
13 and to apportion and assess upon said county and
14 such cities and towns, and in such manner and pro-
15 portion as they shall deem equitable and just, the
16 one-fourth part of the cost of said bridge to be paid
17 by said county; and thereafter the county commis-
18 sioners of said county shall apportion and assess upon
19 said county and the cities and towns therein the ex-
20 pense to the county, under the provisions hereof, of
21 the maintenance of said highway and bridge, and
22 operation of said draw. Neither said county nor any

23 city or town therein shall be liable for damages
24 occasioned by the negligence of any railroad company
25 using said bridge, and no such railroad company shall
26 be liable for damages occasioned by the negligence of
27 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. This act shall take effect upon its pas-
2 sage. The time within which the railroads hereby
3 authorized to be built may be located and constructed
4 is limited to two years from the passage hereof, and
5 the provisions relative to the issue of new stock by
6 the Fall River, Warren and Providence Railroad
7 Company and the Old Colony and Newport Railway
8 Company shall be void, so far as the power to issue
9 said stock is not exercised within two years from the
10 passage hereof.