

## HOUSE....No. 93.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, February 17, 1860.

The Committee on Roads and Bridges, to whom was referred the Petition of E. S. Beals and others, in relation to laying out the Hingham and Quincy Turnpike and Bridges as a public highway, report the accompanying Bill.

For the Committee,

S. W. LINCOLN.

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty.

### AN ACT

Concerning the Hingham and Quincy Turnpike and  
Bridges.

*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 the counties  
2 of Norfolk and Plymouth, severally, may, with the  
3 assent of the Hingham and Quincy Bridge and Turn-  
4 pike Corporation, lay out those portions of the turn-  
5 pike, ways, draws and bridges of said corporation,  
6 which are within the limits of their respective coun-  
7 ties, as common highways, in accordance with the  
8 provisions of this act, and have and exercise the same  
9 powers relating thereto, as are now had and exercised  
10 in the laying out of turnpikes, excepting that in the  
11 allowance and payment of damages, the county com-  
12 missioners of the county of Norfolk shall allow and  
13 pay from the treasury of said county two-thirds, and

14 the county commissioners of the county of Plymouth  
15 shall allow and pay from the treasury of that county  
16 one-third of the gross amount which may be mutually  
17 agreed upon by said boards of commissioners, before  
18 laying out, as aforesaid, said turnpike, ways, draws  
19 and bridges, as damages therefor: *provided, however,*  
20 that the town of Hingham shall refund to the county  
21 of Plymouth one-third of the sum so paid by said  
22 county, and the towns of Weymouth and Quincy,  
23 jointly, shall refund to the county of Norfolk, in such  
24 proportions as the commissioners for said county may  
25 determine, one-third of the sum so paid by that county;  
26 and excepting, also, that the said commissioners shall  
27 have the care of the repair and maintenance of said  
28 bridges, and the toll-houses hereinafter named, as is  
92 hereinafter provided for.

1     SECT. 2. Said commissioners, jointly, are hereby  
2 authorized to purchase, receive and hold, as trustees,  
3 the toll-houses belonging to said corporation, and the  
4 land upon which said houses stand; and the purchase  
5 money for said land and houses shall be paid by said  
6 counties, and in part refunded by said towns in the  
7 same proportions as the damages awarded by the  
8 commissioners, as provided in the first section.

1     SECT. 3. Said commissioners, jointly, shall have  
2 the superintendence of said bridges, and cause them  
3 to be kept in good repair, and safe and convenient  
4 for travel, with draws and passage-ways for vessels,  
5 and shall provide draw-tenders and other necessary  
6 agents, and discharge the duties hitherto incumbent  
7 upon said corporation, relative to the care and main-

8 tenance of said draws and bridges, and they shall  
9 also have the care and superintendence of said toll-  
10 houses.

1     SECT. 4. The expenses of the repairs and main-  
2 tenance of said bridges, draws and toll-houses, includ-  
3 ing the salaries of draw-tenders and other necessary  
4 agents, shall be paid by the counties of Norfolk and  
5 Plymouth, in the proportion of two-thirds by the  
6 county of Norfolk, and one-third by the county of  
7 Plymouth; and the towns of Weymouth and Quincy  
8 shall refund to the county of Norfolk one-half of the  
9 sum it pays under the provisions of this section, in  
10 the proportion of five parts by the town of Wey-  
11 mouth, and three parts by the town of Quincy; and  
12 the town of Hingham shall refund to the county of  
13 Plymouth one-half of the sum it pays in accordance  
14 with the provisions of this section.

1     SECT. 5. If either of said towns refuses or neglects  
2 to refund to its county the proportion of the damages  
3 and expenses for which it is liable under the pro-  
4 visions of this act, the same proceedings may be had  
5 to enforce payment as in the case of expenses of  
6 making highways by the commissioners when towns  
7 neglect to make the same.

1     SECT. 6. Liability for defects in said bridges and  
2 draws shall exist on the part of the towns wherein  
3 they respectively lie, in like manner as in cases of  
4 defects in town ways, and the damages which may be  
5 recovered for such defects shall be paid by said coun-  
6 ties, and one-half of the same refunded to them, in

7 the same manner as the expenses of repairs and  
8 maintenance of said bridges.

1     SECT. 7. Said commissioners shall not lay out said  
2 turnpike, ways and bridges, as a common highway,  
3 unless a sum not less than five hundred dollars shall  
4 have been subscribed by responsible parties, and  
5 pledged to aid in defraying the expense incident to  
6 such laying out.

1     SECT. 8. In case the commissioners for said coun-  
2 ties, and said corporation, do not mutually agree upon  
3 the sum to be paid to said corporation as damages  
4 for the laying out of said ways and bridges, as afore-  
5 said, within six months from the passage of this act,  
6 the aforesaid subscription of five hundred dollars, or  
7 more, having been guaranteed within two months  
8 after its passage; then the said commissioners, jointly  
9 shall agree upon and determine the sum to be paid  
10 to said corporation, as damages for such laying out,  
11 and the same shall be awarded as damages therefor,  
12 jointly, by said commissioners; but the same shall be  
13 allowed and paid by said counties, and refunded in  
14 part by said towns, in the proportions indicated in  
15 the first section of this act: *provided, however*, that  
16 the said corporation shall have the right of appeal to  
17 a jury from the joint award of said commissioners, in  
18 the same manner as a party aggrieved by the doings  
19 of county commissioners in the estimation of his  
20 damages, occasioned by laying out of a highway,  
21 except that the application for such jury shall be  
22 made to and acted on by the commissioners for the,  
23 county of Norfolk.

1 SECT. 9. In case of appeal to a jury from the  
2 award of said boards of commissioners, the costs  
3 properly incurred by said commissioners for Norfolk  
4 County, on account of said appeal, and the amount  
5 recovered by said corporation, as damages and costs,  
6 shall be paid by said counties and towns in the pro-  
7 portions specified in the first section of this act.

1 SECT. 10. Said commissioners shall annually, in  
2 the month of January, file in the office of the secretary  
3 of the Commonwealth a statement, duly verified by  
4 oath, of the amount of expenditures for repairs and  
5 maintenance in the execution of said trust during the  
6 year ending on the thirty-first day of December pre-  
7 ceding; and the commissioners for each of said coun-  
8 ties shall also, annually, in said month of January,  
9 notify, in writing, the clerks of each of said towns  
10 within their respective counties, of the sum due from  
11 that town to the county for its proportion of the  
12 expenses incurred under the provisions of this act.

1 SECT. 11. This act shall take effect from and after  
2 its passage.