

Chap.630 AN ACT MAKING APPROPRIATIONS FOR THE SUPPRESSION OF
THE GYPSY AND BROWN TAIL MOTHS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, to wit: —

Gypsy and brown tail moths.

For the suppression of the gypsy and brown tail moths in the year nineteen hundred and eleven, and for expenses incidental thereto, a sum not exceeding one hundred and fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Experimenting with parasites.

For experimenting with parasites or natural enemies for destroying the said moths, and for expenses incident thereto, a sum not exceeding fifteen thousand dollars, in addition to any unexpended balance of a former appropriation for this purpose.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twenty-eighth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.631 AN ACT TO PROVIDE FOR THE RECONSTRUCTION OF FOX HILL
BRIDGE OVER SAUGUS RIVER BETWEEN THE CITY OF LYNN
AND THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Reconstruction of Fox Hill bridge.

SECTION 1. Whereas public necessity and convenience require the reconstruction of the joint railway and highway bridge, commonly known as Fox Hill bridge, over the tide water known as Saugus river, between the city of Lynn and the town of Saugus, the county commissioners of the county of Essex, subject to the provisions of chapter ninety-six of the Revised Laws and acts in amendment thereof and in addition thereto and of all other general laws which may be applicable, are hereby authorized and directed to reconstruct the said bridge and approaches thereto with a draw not less than forty feet wide in the open, the same to be operated by electric power.

County of Essex to pay cost in the

SECTION 2. The expense incurred under this act shall be paid in the first instance by the county of Essex and

shall not exceed one hundred and fifty thousand dollars. Upon the completion of the said bridge and approaches, the said county commissioners shall file in the office of the clerk of courts for the county of Essex a detailed statement, certified under their hands, of the actual cost of reconstructing said bridge and approaches, and within three months from the filing of such statement they shall, after such notice as they may deem proper and a hearing, apportion and assess upon the city of Lynn twenty-five per cent, and upon the Boston and Northern Street Railway Company thirty-five per cent of the said cost of reconstructing the bridge and approaches.

first instance,
etc.

SECTION 3. Said commissioners shall file in the office of the clerk of the courts of said county a report of the apportionment, and the said clerk shall forthwith transmit a true and attested copy thereof to the city of Lynn and to the president of the Boston and Northern Street Railway Company, and the city shall pay its proportion of said expense determined as aforesaid into the treasury of the county of Essex, in such manner and in such time as the said commissioners may direct, and if the city of Lynn shall neglect or refuse to pay its proportion as aforesaid, the said commissioners shall, after notice to the city, issue a warrant against the city for its proportion as aforesaid, with interest and the cost of the warrant, and the same shall be collected and paid into the treasury of the county to be applied in payment of the expense aforesaid.

Report of
apportion-
ment of
expense to
be filed with
the clerk of
the courts,
etc.

SECTION 4. If the Boston and Northern Street Railway Company shall pay into the treasury of the said county its proportion determined as aforesaid, and shall enter into an agreement with the county commissioners to keep the roadway on said bridge, within the limits set aside by said commissioners for railway purposes in repair at its own expense, the said company, its successors and assigns, shall thereupon have and are hereby granted the title in fee simple, to that part of said bridge so set aside for railway purposes, which part shall not be less in width than twenty-six and one half feet. The amount of any assessment paid by said company under this section shall be deemed, in all proceedings thereafter, as a part of the value of its property for street railway purposes; and the company may issue stock or bonds to meet the expenses incurred under this act to an amount approved by the board of railroad commissioners as reasonably necessary to provide for the payment thereof.

Title to part
of the bridge
set aside for
railway pur-
poses to vest
in the Boston
and Northern
Street
Railway
Company.

The city of
Lynn may
issue bonds,
etc.

SECTION 5. For the foregoing purposes the city of Lynn is hereby authorized to issue serial bonds bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum, and payable within such periods, not exceeding twenty years, from the date of issue, as the city council of the city may determine. But the said bonds shall not be reckoned in determining the statutory limit of indebtedness of the city. The county commissioners of the said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for the cost and expenses aforesaid. All moneys so borrowed shall be deposited in the county treasury and the treasurer of the county shall pay out the same as ordered by the county commissioners, and shall keep a separate and accurate account of all sums so borrowed and expended, including interest.

Cost of
operation of
bridge, etc.

SECTION 6. The cost of the operation of the said bridge and approaches after the completion of the same, including repairs and painting, excepting that part of the roadway set aside for railway purposes in accordance with section two of this act, shall be paid in the first instance by the county of Essex, and shall be apportioned and assessed upon the said city and said railway company and upon the county of Essex in the proportion of thirty-three and one third per cent each. The cost of maintenance of the roadway upon said bridge, except as otherwise provided by this act, shall be apportioned and assessed upon the city of Lynn and the county of Essex, fifty per cent upon each. The county commissioners of the said county shall have full control of the bridge, and shall annually in the month of November submit to the city of Lynn and to the said railway company a true statement of the expense of its maintenance and operation; and within thirty days thereafter the said city and the said railway company shall pay into the treasury of the county their proportions, determined as aforesaid; and if the city or the railway company shall neglect or refuse to pay the same, the said commissioners shall, after a notice to the city or the company, issue a warrant, and the same with interest and costs of notice and warrant shall be collected and paid into the treasury of the county to be applied in payment of the expenses as aforesaid.

Taking of
lands,
rights, etc.

SECTION 7. The said county commissioners are hereby authorized to take or purchase the lands, rights or easements which may be required to carry out the purposes of this

act; but in order to acquire land or rights in land, otherwise than by purchase, they shall first record in the registry of deeds for the northern district of the county of Essex a statement containing a description of the lands or rights taken or affected, and shall file a plan of the same in said registry. They shall estimate the damages to property, if any, sustained by any person by such taking of land, rights or easements, or by the laying out as aforesaid, and any person aggrieved thereby may proceed in the same manner as in the case of highways, within one year after the filing of said statement; but in no event shall interest be recovered against the county for more than four per cent per annum.

SECTION 8. In the construction of the said bridge all reasonable opportunity shall be given to the metropolitan water board to maintain and operate its pipe line, now supported in part by the pile structure, and such reasonable modifications of the plans as may be necessary shall be made by the county commissioners to permit of the proper permanent relocation of the pipe either upon or adjacent to the finished structure: *provided*, that all added expense due to the protection and relocation of said water pipe shall be paid by the metropolitan water board.

The metro-
politan water
board may
operate its
pipe line, etc.

Proviso.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 10. This act shall take effect upon its passage.

Approved July 7, 1911.

AN ACT TO AUTHORIZE THE COMMISSIONER OF WEIGHTS AND MEASURES TO APPOINT AN ADDITIONAL INSPECTOR.

Chap. 632

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter five hundred and thirty-four of the acts of the year nineteen hundred and seven, as amended by chapter four hundred and sixty-five of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the word "five", in the second line, and inserting in place thereof the word: — six, — so as to read as follows: — *Section 2.* The said commissioner may appoint six inspectors. The annual salary of the commissioner shall be two thousand dollars, and of the inspectors twelve hundred dollars each, and they shall give bonds for the faithful performance of their duties. The commissioner shall be allowed for clerical services, travel and contingent office expenses for himself

1907, 534,
§ 2, etc.,
amended.

Inspectors of
weights and
measures,
appointment,
etc.