

SENATE No. 2

To accompany the petition of the Massachusetts Farm Bureau Federation, Inc., by Carlton I. Pickett, and another for the establishment of the Brighton Stockyard Authority and to provide for the acquisition of certain property used as a stockyard in the Brighton district of the city of Boston. Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT ESTABLISHING THE BRIGHTON STOCKYARD AUTHORITY AND PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY USED AS A STOCKYARD IN THE BRIGHTON DISTRICT OF THE CITY OF BOSTON.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to continue with-
3 out interruption certain stockyard facilities in the
4 Brighton district of the city of Boston, therefore this
5 act is hereby declared to be an emergency law, neces-
6 sary for the immediate preservation of the public
7 health and convenience.

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. There is hereby created and estab-
2 lished a body corporate, which shall be an instru-
3 mentality of the commonwealth, under the name of
4 the Brighton Stockyard Authority, hereinafter in

5 this act called the authority, with power to take by
6 eminent domain under chapter seventy-nine of the
7 General Laws to the extent hereinafter defined and
8 to hold property, to sue and be sued in law and equity,
9 to prosecute and defend in all actions relating to its
10 property and affairs, and to contract and do other
11 necessary acts relative to its property and affairs; and
12 the authority shall be liable for its debts and obliga-
13 tions, but the property of the authority shall not be
14 subject to attachment nor levied upon by execution
15 or otherwise. Process may be served upon the treas-
16 urer of the authority or, in the absence of the treasurer,
17 upon any member of the board of trustees of the
18 authority as hereafter provided in this act.

1 SECTION 2. The affairs of the authority shall be
2 managed by a board of five public trustees, hereafter
3 in this act called the trustees, who shall be appointed
4 by the governor, with the advice and consent of the
5 council. The trustees shall be sworn to the faithful
6 performance of their official duties. The trustees
7 originally appointed hereunder shall serve for terms
8 of one, two, three, four and five years, respectively,
9 as the governor shall designate on the date of their
10 appointment. As the term of office of a trustee ex-
11 pires, his successor shall be appointed by the governor,
12 with like advice and consent, for a term of five years.
13 All trustees appointed hereunder shall hold office
14 until the qualification of their respective successors.
15 The governor shall designate from time to time one
16 of the trustees as chairman. Any trustee may be
17 removed for cause by the governor, with like advice
18 and consent. Any vacancy in the office of a trustee
19 shall be filled, for the unexpired term, by the governor,

20 with like advice and consent. Not more than three
21 trustees shall be members of the same political party.
22 Section three of chapter twelve of the General Laws
23 shall not apply to said board of trustees. Two trustees
24 shall be producers of dairy or meat animals and one
25 shall be a cattle dealer but no trustee shall be a packer
26 or connected with the meat trade.

1 SECTION 3. The trustees established by section
2 two shall serve without pay but all proper expenses
3 may be paid from income received by the authority.

1 SECTION 4. The trustees shall adopt a corporate
2 seal for the authority, and designate the custodian
3 thereof. A majority of the trustees shall constitute a
4 quorum for the transaction of any business, but the
5 action of a majority of the entire membership shall be
6 required for any action. The trustees may from time
7 to time appoint and at pleasure remove a president,
8 a clerk, a treasurer, a manager, and such other clerical,
9 engineering, legal or other professional assistance, or
10 such other officers of the authority as they may deem
11 necessary, and may determine their duties and their
12 compensation, which shall be paid by the authority;
13 shall cause at all times accurate accounts to be kept
14 of all receipts and expenditures of the funds of the
15 authority; and shall make an annual report, con-
16 taining an abstract of such accounts, to the governor
17 and the general court. The offices of treasurer and
18 clerk may be held by the same person. Except as
19 otherwise provided in this act, the trustees shall have
20 full power to represent the authority, to have the
21 care of its property and the management of its busi-
22 ness and affairs, and to sell and convey any real estate

23 or other property not needed for its business or affairs,
24 by deed or other instrument sealed with the corporate
25 seal, signed and acknowledged by a majority of the
26 trustees, or in like manner to authorize such sale and
27 conveyance by any of its officers or agents. The
28 treasurer and each assistant treasurer, if any, shall
29 give bond for the faithful performance of his duties,
30 with a surety company authorized to do business in
31 this commonwealth as a surety, in such sum as the
32 trustees may determine, the premium therefor to be
33 paid by the authority.

1 SECTION 5. The trustees may acquire by eminent
2 domain under chapter seventy-nine of the General
3 Laws or by purchase or otherwise the following de-
4 scribed real estate owned by the Boston and Albany
5 Railroad, now or formerly leased to and occupied by
6 the Brighton Stockyard Company, a corporation
7 organized under the laws of the state of Maine: —

8 Two parcels of land with the buildings thereon,
9 situated in that part of the city of Boston, county of
10 Suffolk and commonwealth of Massachusetts, known
11 as Brighton, and bounded and described as follows: —

12 1. A parcel of land bounded by Texas, Fifth,
13 Buffalo and Third streets, and included within the
14 lines connecting the letters E, F, G and H on the blue
15 print hereinafter referred to, which lines are tinted
16 green.

17 2. A parcel of land bounded by Buffalo, Fifth and
18 Texas streets and by the easterly line of the sheep
19 and cattle barn, so-called, on the said premises, and
20 included within the lines connecting the letters I, J,
21 K, L and M on said blue print, which lines are tinted
22 green.

23 Also the right to use for all the purposes of a way,
24 the streets shown upon said blue print, adjoining the
25 parcels above described, it being understood that all
26 the streets shown upon said blue print as adjacent to
27 the premises are not public ways but are private ways
28 only.

29 Said blue print is entitled "Boston & Albany R.R.
30 N. Y. C. R.R. Co. Lessee Boston Division Main Line
31 Land and Buildings leased to Brighton Stockyards
32 Co. Brighton" dated February, nineteen hundred and
33 seventeen, the latest revision being June, nineteen
34 hundred and thirty-six.

35 The trustees may acquire by eminent domain,
36 under chapter seventy-nine of the General Laws, the
37 personal property of said Boston & Albany Railroad
38 and such other land and pens, generally described as
39 railroad unloading pens, and which are generally
40 located north of the present leased area, consisting of
41 thirty-three pens and which extend along the north
42 side of Texas street from a point approximately near
43 letter J on the east and westerly to a point approxi-
44 mately near the letter E, together with the present
45 rights of way as necessary, for the purpose of operating
46 a stockyard.

47 Said authority is authorized to maintain and operate
48 a stockyard on said premises and to construct and
49 reconstruct buildings on said premises, including in
50 such operation all necessary businesses incidental and
51 accessory thereto, hereinafter called the facility.

1 SECTION 6. The trustees shall determine the type,
2 size, construction and equipment of the stockyard
3 acquired under this act, in order to provide ample
4 facilities therefor, so that the property may serve the

5 public in an efficient and convenient manner and be
6 made economically profitable.

1 SECTION 7. The trustees may execute contracts
2 necessary or incidental to the business of the au-
3 thority.

1 SECTION 8. For the purpose of providing necessary
2 funds to effect the purposes of this act, the authority
3 may, from time to time, issue bonds of the authority
4 for such terms of not less than one year nor more
5 than twenty years, and bearing such rates of interest,
6 not exceeding four per centum per annum, as the
7 trustees may determine. Said bonds, both as to in-
8 come and principal, are hereby made exempt from all
9 taxes levied under authority of the commonwealth.
10 The proceeds of said bonds shall be used by it only
11 for the purposes hereinbefore set forth. At the ma-
12 turity of any issue of bonds of the authority under
13 this section, said bonds shall be refunded by the
14 authority in so far as the same may be necessary to
15 carry out the provisions of this act.

1 SECTION 9. When the authority has acquired the
2 property as provided in section five, the trustees
3 shall forthwith take and have possession on behalf
4 of the authority of all assets and properties acquired
5 under authority of this act and shall have the author-
6 ity, which shall be exclusive, in the name and behalf
7 of the authority to sell and convey any of such assets
8 or properties or any interest therein which in their
9 opinion is not required or cannot advantageously be
10 used in the operation of the facility so acquired, and
11 for the purpose of obtaining additional income to

12 make any leases, licenses or contracts with respect to
13 the properties under the control and management of
14 the authority which in their opinion will not impair
15 or interfere with the facility.

16 The trustees are hereby authorized to expend
17 moneys received by the authority from the sale of
18 bonds or notes authorized for the purpose for use in
19 connection with the facility so acquired and any
20 alterations or additions thereto.

1 SECTION 10. The exercise of the powers granted by
2 this act will be in all respects for the benefit of the
3 people of the commonwealth, for the increase of their
4 commerce and prosperity, and for the improvement
5 of their health, and as the operation and maintenance
6 of the facility by the authority will constitute the
7 performance of essential governmental functions, the
8 authority shall not be required to pay any taxes or
9 assessments upon the facility or any property ac-
10 quired or used by the authority under the provisions
11 of this act or upon the income therefrom, and the
12 bonds and refunding bonds issued under the provisions
13 of this act, their transfer and the income therefrom
14 (including any profit made on the sale thereof), shall
15 at all times be free from taxation within the common-
16 wealth.

1 SECTION 11. On or before the thirtieth day of
2 January in each year, the authority shall make an
3 annual report of its activities for the preceding calen-
4 dar year to the governor and to the general court.
5 Each such report shall set forth a complete operating
6 and financial statement covering its operations during
7 the year. The authority shall cause an audit of its

8 books to be made at least once in each year by the
9 state auditor, and the cost thereof may be treated as
10 part of the operation of the facility. Such audits
11 shall be deemed to be public records within the mean-
12 ing of chapter sixty-six of the General Laws.

1 SECTION 12. To provide for the preliminary ex-
2 penses of the authority in carrying out the provisions
3 of this act, there may be expended such sums, not
4 exceeding thousand dollars, as may be
5 appropriated therefor from the general fund or revenue
6 of the commonwealth, which sum shall be paid to the
7 authority, and any sum so paid shall be reimbursed
8 by the authority to the commonwealth out of the
9 proceeds of any revenue bonds which may be issued
10 under the provisions of this act.

1 SECTION 13. This act, being necessary for the
2 welfare of the commonwealth, and its inhabitants,
3 shall be liberally construed to effect the purposes
4 thereof.

1 SECTION 14. The provisions of this act are severa-
2 ble, and if any of its provisions shall be held uncon-
3 stitutional by any court of competent jurisdiction,
4 the decision of such court shall not effect or impair
5 any of the remaining provisions.