

SECTION 3. This act shall be void unless a suitable plan of these premises, as acquired by the United States by deed, be deposited in the office of the secretary of the Commonwealth within one year from the passage of this act.

Plan of premises to be deposited in secretary's office within one year.

SECTION 4. This act shall take effect upon its passage.

*Approved June 23, 1869.*

AN ACT TO INCORPORATE THE GREAT NORTHERN RAILROAD COMPANY.  
*Be it enacted, &c., as follows :*

*Chap. 459*

SECTION 1. The Boston and Lowell Railroad Corporation, the Nashua and Lowell Railroad Corporation, the Concord Railroad Corporation and the Northern Railroad Company, or any of them, at meetings duly called to consider the question of consolidation, may at any time within six years from the passage of this act, by vote of a majority in interest of the stockholders present and voting at such meetings, agree to unite and consolidate their respective corporations upon such terms as may be mutually agreed upon, subject to the provisions of this act; and such vote so passed by said corporations respectively, shall be effectual to unite and consolidate said corporations within the intent and meaning of this act. And said consolidated corporation shall have all the powers and privileges, and be subject to all the duties and liabilities set forth in chapter sixty-three of the General Statutes, and in all general laws that now are or may hereafter be in force relating to railroad corporations.

The Boston and Lowell, Nashua and Lowell, Concord and Northern Railroads, may consolidate.

SECTION 2. If any such consolidation takes place as is provided in this act, the corporation so formed shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property, claims, demands and estates, which, at the time of such union may be held and enjoyed by either of the said existing corporations, and be subject to all the duties, restrictions, obligations, debts and liabilities to which, at the time of the union, either is subject in severalty; and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the company hereby authorized, in the same name, in like manner and with the same effect as might have been done had such union not been formed. All claims, contracts, rights and causes of action, of or against either corporation, at law or in equity, may be enforced by suit or action, to be commenced and prosecuted by or against the corporation formed as aforesaid. And the said existing corporations shall continue corporations for the purpose of prosecuting or defending any suit or proceeding at law or in equity, or otherwise now pending, or

New corporation to have all powers and duties of existing corporations.

which may hereafter be brought by or against either of them out of this Commonwealth.

First meeting  
of stockholders.

SECTION 3. The first meeting of the corporation hereby authorized shall be called by the presidents, or either of them, of the corporations composing its parts; and ten days' notice shall be given of the time and place of said meeting, by publication in two newspapers in the city of Boston, and one in each of the cities of Lowell, Nashua, Manchester and Concord; and at said meeting, persons holding stock in either of the component corporations shall be entitled to one vote for each hundred dollars of the par value of the capital stock he may hold.

Old officers to  
act until organ-  
ization is per-  
fected.

The officers respectively of the said corporations shall continue to exercise, in behalf of the united corporations, all the rights and powers which they now exercise till the united corporations shall be organized.

Old companies  
to exist until  
new is formed.

SECTION 4. After the organization of the corporation, formed as aforesaid, each of the said existing corporations shall continue, for the purpose of perfecting the said union, and doing all such acts and things, if any, as may be necessary therefor, and shall execute all such transfers, assignments and conveyances, as the corporation, formed as aforesaid, may deem necessary or expedient to vest in itself any property, estates, contracts, rights or claims, if any there be, which do not vest in it by virtue or authority of this act.

New corpora-  
tion to be called  
the Great  
Northern Rail-  
road Company.

SECTION 5. The corporation formed as aforesaid, shall be called the Great Northern Railroad Company; and is hereby authorized and empowered at any time within ten years from the passage of this act to purchase or lease, and thereafter to hold, maintain and operate in connection with its consolidated line as aforesaid, the several railroads, or any of them, extending to Montreal and Ogdensburg, viz.: the Vermont Central, the Vermont and Canada, the Ogdensburg and Lake Champlain, the Montreal and Vermont Junction, and the Stanstead, Shefford and Chambly Railroads, together with the several railroads, or any of them, now leased or operated in connection with the respective corporations forming said trunk line, or tributary thereto, viz.: the Stoneham Branch, the Salem and Lowell, the Lowell and Lawrence, the Stony Brook, the Wilton, the Manchester and Lawrence, the Manchester and North Weare, the Concord and Portsmouth, the Suncook Valley, the Concord and Claremont, the Contocook River, the Sullivan, the Boston, Concord and Montreal, the White Mountains, and the Connecticut and Passumpsic Rivers Railroads, and the line of steamships running in con-

nection with said trunk line between Ogdensburg and Chicago, and ports upon the western lakes.

SECTION 6. The several railroad companies in this Commonwealth, before named, whose roads are now leased to or operated by said Boston and Lowell or said Nashua and Lowell Railroad Corporations, or either of them, are hereby authorized and empowered to sell or to lease their respective franchises and roads to the said Great Northern Railroad Company, upon such terms and conditions as may be mutually agreed upon in accordance with the provisions of this act, and ratified by a majority in interest of the stockholders respectively, present and voting, at meetings duly notified and held for such purpose: *provided, however*, that no such sale or lease shall invalidate the mortgages or otherwise secured indebtedness of the railroads so sold or leased, but the same shall be assumed by the said Great Northern Railroad Company, and the said mortgages continued as a lien upon the property unless otherwise agreed upon with the parties in interest.

Certain railroads authorized to sell franchises to Great Northern Railroad.

Proviso.

SECTION 7. If any stockholder in any road so purchased, shall at the meeting for the ratification of said purchase, or within thirty days thereafter, object to such sale, and demand payment for his stock of said purchasing corporation in writing, such stockholder or the purchasing corporation may at any time thereafter apply to the supreme court at any term thereof, held in any county through which any part of the said purchased road may pass, for the appointment of three persons to appraise the value of such stock. If the court shall be satisfied that reasonable notice has been given of such application, it shall thereupon appoint three persons to appraise the value of said stock, and shall designate the time and place of meeting of such appraisers, and give such directions in regard to the proceedings on said appraisal as shall be deemed proper, and shall also direct the manner in which payment for such stock shall be made to such stockholder. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and they or any two of them, after being duly sworn honestly and faithfully to discharge their duties, shall estimate and certify the value of such stock at the time of such dissent as aforesaid, and deliver one copy of their appraisal to the said purchasing company, and another to the said stockholder if demanded. The appraised value and the charges and expenses of the appraisers shall be paid by the said purchasing corporation, and when said corporation shall

If any stockholder objects to sale, and demands payment from the purchasing corporation, commissioners to be appointed to appraise stock, &c.

have paid the amount of appraisal as directed by the court, such stockholder shall surrender his certificates of stock to said purchasing corporation, and cease to have any interest in the said stock or the corporate property; and the said stock may be held or disposed of by the said purchasing corporation, with all the rights appertaining thereto.

Capital stock.

SECTION 8. The capital stock of the Great Northern Railroad Company shall not exceed the authorized capital stock of the several roads in said main trunk line between Boston and White River Junction, or such of them as may be consolidated under the provisions of this act, and such additional amounts, not to exceed ten millions of dollars, as shall hereafter be actually expended by said corporations for stations, depots, equipage and tracks; and also such additional amount, not exceeding forty millions of dollars, as shall be necessary for the purchase of the other railroads and steamboat lines herein authorized to be purchased; and the amount of such increase on account of such purchases shall be determined from time to time by a board of commissioners, to consist of one member from this Commonwealth, to be appointed by the governor and council, and one member from each of the other states in which said Great Northern Railroad Company shall own and operate a railroad under authority of this act: *provided*, that members from such other states shall be appointed by the executives thereof, to be paid in the manner provided in this section for the payment of the commissioner on the part of this Commonwealth; and in making such determination said board of commissioners shall have regard to the fair value of the railroad or steamboat line so purchased; and the additional stock herein before authorized shall not be issued at less than its par value as actually paid in in cash by the parties who shall subscribe for or purchase the same: *provided*, that said corporation may, with the approval of said board of commissioners, issue such stock at not less than its par value, in payment for any railroad or steamboat line purchased as herein authorized; and the capital stock of said corporation shall not be further increased without the concurrence of the legislatures of the several states in which the consolidated company shall be established. The compensation of the commissioner for this Commonwealth shall be fixed by the governor and council, and with all necessary expenses by him incurred, shall be paid out of the treasury of the Commonwealth, and the amount so expended shall be paid by said corporation into the treasury.

Provisos.

SECTION 9. The Great Northern Railroad Company is hereby further authorized and empowered to extend its railroad to the deep waters of Boston harbor, in the manner hereinafter provided; and for this purpose, and for the purpose of establishing a shipping depot, may purchase or lease, or may enter upon and use, any part or the whole of the railroad or franchise of the Mystic River Railroad, or of the railroad now or formerly of the East Boston Freight Railroad Company, and may purchase or lease the railroad or franchises of the Marginal Freight Railroad, or any part thereof, and may purchase and improve such lands, wharves or buildings as may from time to time be deemed requisite for the purpose aforesaid. And said Great Northern Railroad Company shall hold and possess any railroads purchased or leased in pursuance of the provisions of this section, subject to all the provisions, duties, restrictions and liabilities to which the same are now subject.

Great Northern Railroad Company may extend road to deep waters of Boston harbor.

SECTION 10. The charges for the transportation of passengers and freight upon the railroads of said Great Northern Railroad Company shall not at any time exceed the local rates of charge, as now established upon the existing published tariffs of the several railroad companies which may hereafter sell or lease their roads under the provisions of this act; and the charges for transportation on through freight, discharged within thirty miles of Boston, shall not exceed the rates of through freight to said city; and the facilities to connecting railroads and the depot accommodations and facilities for the transportation of freight and passengers which are now afforded by the several railroads forming the consolidated company shall not be diminished; and the said Great Northern Railroad Company shall be subject to the laws of each of the several states through which the same shall pass, relative to the rights and duties of connecting roads, and to all general laws of each of said states concerning railroads, and to all the rights and duties provided for or reserved in the charters of the various roads of which it shall be composed; and the dividends of said Great Northern Railroad Company shall not exceed an average of ten per centum per annum upon the capital stock thereof.

Charges for transportation of passengers and freight.

SECTION 11. The Commonwealth may at any time purchase that portion of the trunk line of said Great Northern Railroad Company lying within this Commonwealth, together with all the franchises, property, rights and privileges thereof, and a proportionate share of its equipments, by paying therefor to said corporation such sum as will reimburse the stockholders thereof the amount of capital stock actually

Commonwealth may purchase road at any time.

paid in in cash for the construction and equipment of said portion of said trunk line, and such further sum as shall, with the dividends received, make an average annual net profit of ten per centum from the times of payment for such construction and equipment to the time of the purchase by the Commonwealth. And the Commonwealth may purchase with said trunk line, any of the roads within its limits which may be purchased by said Great Northern Railroad Company, by paying the said corporation the actual original cost thereof to said corporation, with a net profit of ten per centum, including dividends upon the purchase.

No new authority given to take or use flats belonging to the state.

SECTION 12. This act shall give to said corporation no right to take or use any flats of the Commonwealth, and no right to erect any structure upon or to fill up any flats it may take or purchase, which right was not by law attached to such flats when taken or purchased.

SECTION 13. This act shall take effect upon its passage.

*Approved June 23, 1869.*

**Chap. 460** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE GREAT NORTHERN RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Number of directors.

SECTION 1. That the number of directors of the Great Northern Railroad Company shall not be less than nine.

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

*Approved June 23, 1869.*

**Chap. 461** AN ACT AUTHORIZING THE EXTENSION OF THE BOSTON AND ALBANY RAILROAD TO DEEP WATER AT SOUTH BOSTON, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

May construct railroad to deep water at South Boston.

SECTION 1. The Boston and Albany Railroad Company are hereby authorized to construct and maintain a railroad over either of the following described routes, to wit: commencing at some point on the Boston and Albany Railroad, between Harvard and Oak Streets, or at or near the place where the same crosses under Albany Street in Boston; thence to Beach Street at some point between Utica and Cove Streets, passing, if they deem it expedient, on or along Lincoln or Utica Street; thence along Beach Street, or on either side thereof, across Federal Street, Fort Point Channel, and the Boston Wharf, to the Boston, Hartford and Erie Railroad, at a point not less than one thousand feet, measured on the centre of the location of said Boston, Hartford and Erie Railroad, distant from the harbor commissioners' line on the easterly side of Fort Point Channel; thence across said Boston, Hartford and Erie Railroad, on a level therewith, or