

HOUSE No. 1500

By Mr. Brown of Billerica, petition of Frank E. Lyman relative to the taking by the Department of Public Works of certain land in East Boston belonging to Maverick Mills and extending the time within which said corporation may petition the Superior Court for assessment of damages. Judiciary (Joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act relative to a Taking by the Department of Public Works of Certain Land in East Boston belonging to Maverick Mills.

1 *Whereas*, The department of public works under
2 lay-out number twenty-nine hundred and ninety-two
3 and order of taking dated the seventh day of Feb-
4 ruary, nineteen hundred and thirty-three, and re-
5 corded with Suffolk registry of deeds, book fifty-three
6 hundred and seventy, page five hundred and sixty-
7 five, did take in fee for state highway purposes a
8 certain parcel of land owned by the Maverick Mills,
9 a corporation duly established and existing under the
10 laws of this commonwealth, being parcel number one
11 on a plan drawn by A. W. Dean, chief engineer,
12 entitled "The Commonwealth of Massachusetts
13 Plan of Road in the City of Boston, Suffolk County,
14 Laid out as a State Highway by the Department of
15 Public Works, February 7, 1933 Scale: 40 feet to
16 the inch"; and

17 *Whereas*, There existed on the above-mentioned
18 parcel of land prior to the said taking a spur track or
19 siding connecting with the tracks of the Boston and
20 Maine Railroad; and

21 *Whereas*, It was necessary for the construction of
22 said state highway to relocate the said spur track or
23 siding and as relocated said spur track or siding
24 crosses the said state highway at grade; and the board
25 of street commissioners of the city of Boston, by
26 order adopted on the twelfth day of September, nine-
27 teen hundred and thirty-three, and approved by the
28 mayor of said city on the fourth day of October,
29 nineteen hundred and thirty-three, have granted per-
30 mission to said Maverick Mills to lay down, main-
31 tain and use for the transportation of freight by
32 steam power, a track at grade, over and across the
33 said state highway; and the department of public
34 utilities by order number forty-seven hundred and
35 forty-seven, dated the seventeenth day of November,
36 nineteen hundred and thirty-three, gave its consent
37 to the construction and maintenance by the said
38 Maverick Mills "of an industrial track to be operated
39 by steam power, upon and across" the said state
40 highway, which permission and consent were subject
41 to certain limitations, conditions and restrictions, in-
42 cluding the right to revoke, change or modify said
43 permission and attendant conditions; and the said
44 Maverick Mills has accepted the order of location
45 granted by the board of street commissioners of the
46 city of Boston and has agreed to comply with the
47 conditions contained in said order; and

48 *Whereas*, The said Maverick Mills on the sixteenth
49 day of January, nineteen hundred and thirty-four,
50 filed a petition in the superior court for the county of

51 Suffolk under the provisions of chapter seventy-nine
52 of the General Laws for a jury to assess damages
53 resulting from the above-mentioned taking; and the
54 resulting damages are substantial and the said Mav-
55 erick Mills is willing to defer consideration of the
56 assessment of so much of the damages as may have
57 resulted from the taking by the commonwealth of the
58 spur track or siding existing on the above-mentioned
59 parcel of land, until such time as it may be deprived
60 by decree or order of a competent board or depart-
61 ment of the right to use the relocated industrial track
62 crossing the said state highway.

*Be it enacted by the Senate and House of Repre-
sentatives in General Court assembled, and by the
authority of the same, as follows:*

1 SECTION 1. The time within which the Maverick
2 Mills, its successors or assigns, may petition the su-
3 perior court for the assessment of so much of the
4 damages sustained by it in connection with the above-
5 mentioned taking as may have resulted from the
6 taking by the commonwealth of the spur track or
7 siding existing on the above-mentioned parcel of
8 land, is hereby extended until one year from the date
9 when the Maverick Mills, its successors or assigns,
10 may be deprived by decree or order of a competent
11 board or department of the right to use the relocated
12 industrial track crossing the said state highway.
13 The acceptance of this act by the board of directors
14 of the Maverick Mills shall constitute an agreement
15 on behalf of said Maverick Mills, its successors or
16 assigns, not to claim any damage in connection with
17 the taking by the commonwealth of the spur track or
18 siding existing on the above mentioned parcel of

19 land until such time as said Maverick Mills, its suc-
20 cessors or assigns, may be deprived by decree or
21 order of a competent board or department of the
22 right to use the relocated industrial track crossing
23 the said state highway.

1 SECTION 2. This act shall take effect upon the
2 filing of a written acceptance of its provisions with
3 the secretary of state by the Maverick Mills, acting
4 by and through its board of directors.