

EXTRA SESSION.

SENATE No. 669

Accompanying the Report of the Street Railway Commission.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

AN ACT

To provide for the Assumption of Subway Rentals by the Communities served by the Boston Elevated Railway Company.

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. In order to enable the trustees of
2 the Boston Elevated Railway Company to reduce
3 the rates of fare which would otherwise be neces-
4 sary to meet the cost of service thereon, the said
5 trustees are hereby directed quarterly in each
6 year, on the first of January, April, July and
7 October, to certify to the state treasurer the
8 amount paid during the preceding quarter for
9 rentals of subways or other property owned by
10 the commonwealth, or any city, town or other

11 subdivision thereof, and leased to said company,
12 and the commonwealth shall thereupon pay over
13 to the company the amount so certified. In
14 order to meet said payments the state treasurer
15 shall borrow, for such terms as the governor may
16 recommend to the general court, as provided by
17 the constitution, any sums necessary therefor,
18 and thereafter repay the same from the proceeds
19 of the assessments hereinafter provided. Any
20 sums so paid to the company, together with
21 interest or other charges incurred in borrowing
22 money therefor, shall be assessed by an addition
23 to the state tax assessed next after the acceptance
24 of the award hereinafter provided, and annually
25 thereafter, upon the cities and towns named
26 therein and in the proportions thereby determined.

1 SECTION 2. The supreme judicial court sitting
2 in equity shall, on the application of the attorney-
3 general or the state treasurer, after due notice to
4 the mayor or selectmen of each city and town in
5 which the company operates, appoint three com-
6 missioners who shall, after due notice and hearing
7 and in such manner as they shall deem just and
8 equitable, determine the proportion in which said
9 cities and towns shall be assessed as hereinbefore
10 provided, and shall return their award into said
11 court; and when said award shall have been
12 accepted by said court, the same shall be a final
13 and conclusive adjudication of all matters referred
14 to said commissioners as herein provided and
15 shall be binding on all parties.