

## SENATE . . . . . No. 345.

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Mr. MILTON moves that the House Bill to incorporate the Boston and Lowell Bicycle Railway Company (House, No. 922) be amended by striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Eben Moody Boynton, James B.  
2 Bell, Hugh H. Mawhinney, Robert D. Evans,  
3 Edward L. Sanborn, Fred. S. Pearson, Harlan  
4 P. Conant, Albert Conant, Charles F. Conant,  
5 George A. Bruse, Oliver O. Howard, William  
6 A. Stevens, Francis W. Breed, Isaac B. New-  
7 combe, Chester J. Pike, Albert H. Overman,  
8 Henry W. Moulton, Albert W. Greenleaf, Cray-  
9 ton Winsor Wilkinson, John F. Merrow, William  
10 H. Boynton, David C. Reusch, Henry I. Bartlett,  
11 Guy Wilkinson, their associates and successors,  
12 are hereby made a corporation under the name of  
13 the Boston and Lowell Bicycle Railway Com-  
14 pany, to construct and operate, by electricity but  
15 by no other power, an elevated bicycle railway  
16 for the carriage of passengers but not freight,  
17 other than baggage of passengers, under the  
18 bicycle railroad patents granted to said Eben

19 Moody Boynton, beginning at a point near Quincy  
20 market in the city of Boston, thence through  
21 Cambridge or Somerville, Arlington, Lexington,  
22 Burlington, Bedford, Billerica, to and through  
23 the city of Lowell.

24 Said company shall be subject to all general  
25 laws which now are or hereafter may be in force  
26 relating to railroad and street railway corpora-  
27 tions so far as applicable, except as herein other-  
28 wise provided, and shall be taxed as a railroad  
29 corporation.

1 SECT. 2. Within thirty days after the passage  
2 of this act the incorporators shall meet and choose  
3 a treasurer, clerk, and board of not less than nine  
4 nor more than thirteen directors, who shall act  
5 as such treasurer, clerk and directors for one  
6 year and until others are chosen in their place by  
7 the stockholders of said corporation.

1 SECT. 3. The capital stock of said Boston and  
2 Lowell Bicycle Railway Company shall be not  
3 less than one million dollars, divided into shares  
4 of one hundred dollars each. The capital may  
5 be increased from time to time, by vote of said  
6 corporation, to an amount not exceeding three  
7 million dollars in all. Said corporation may issue  
8 coupon or registered bonds to an amount which,  
9 including that of bonds previously issued, does  
10 not exceed in all the capital stock of the corpora-  
11 tion actually paid in cash at the time. It may  
12 issue its bonds to provide means for construction

13 and equipment, and for funding its floating debt,  
14 and for the purchase of such real or personal  
15 estate as may be necessary or convenient for the  
16 operation of its road, and may mortgage or pledge  
17 as security for the payment of such bonds a part  
18 or all of its road equipment or franchise, or a  
19 part or all of its property, real or personal. In  
20 its issue of stock and bonds said corporation shall  
21 be subject to all laws now in force or which may  
22 be hereafter in force relating to railroad corpora-  
23 tions.

1     SECT. 4. Within sixty days after the passage  
2 of this act the directors shall apply either to the  
3 board of railroad commissioners or to the gov-  
4 ernor and council for a certificate that public con-  
5 venience and necessity require the construction  
6 of said railway. If a certificate is granted by  
7 said board, or by the governor and council, pro-  
8 ceedings may be continued as herein provided.  
9 If a certificate is refused, no further proceedings  
10 shall be had, and this act shall become null and  
11 void.

1     SECT. 5. If a certificate is granted, the route  
2 of said railway shall be fixed as provided in  
3 chapter one hundred and twelve, sections thirty-  
4 eight to forty-two, inclusive, relating to railroad  
5 corporations.

1     SECT. 6. When it is shown to the satisfaction  
2 of the board of railroad commissioners that a

3 sum sufficient, in its judgment, to pay all damages  
4 immediate or consequential that may be occasioned  
5 by laying out, making and maintaining the rail-  
6 way, or by taking any land or materials therefor,  
7 has in good faith been paid in cash, to the treas-  
8 urer, and when said board is satisfied, by a bond  
9 or such other assurance of good faith in the  
10 premises as it may deem necessary and require,  
11 that said sum will remain in the hands of said  
12 treasurer until it is drawn out for the lawful ex-  
13 penditure of the corporation, the clerk of the  
14 board, upon its order, shall so certify to the sec-  
15 retary of state that such requirements appear to  
16 have been complied with, and thereupon, but not  
17 before, the said corporation may proceed to locate  
18 and construct its said railway. It shall have the  
19 same rights and powers and be subject to the  
20 same duties, restrictions, conditions and liabilities  
21 in regard to the location and construction of its  
22 railway as are contained in the Public Statutes,  
23 chapter one hundred and twelve, sections eighty-  
24 five to one hundred and forty-two, inclusive, and  
25 acts in addition thereto and amendatory thereof,  
26 relating to railroad corporations. And for the  
27 purpose of fixing its route and locating and con-  
28 structing its road, said corporation shall be  
29 deemed a railroad corporation. But said elevated  
30 railway may be located and built in any city or  
31 town aforesaid, along and above such streets as  
32 the mayor and aldermen of the city, or the select-  
33 men of the town, shall approve, subject to such re-  
34 strictions and conditions as the said mayor and

35 aldermen or said selectmen may impose, and  
36 locations in streets shall be subject to the provi-  
37 sions of sections twenty-three to twenty-six of  
38 chapter one hundred and thirteen of the Public  
39 Statutes.

1    SECT. 7. The location, construction, mainte-  
2 nance or operation of said railway in any public  
3 way shall be deemed an additional servitude and  
4 entitle parties having an estate in such way or  
5 premises which abut thereon, and who are dam-  
6 aged by reason of the location, construction,  
7 maintenance and operation of said lines of rail-  
8 way, to recover reasonable compensation; the said  
9 damages to be recovered as provided in chapter  
10 one hundred and twelve of the Public Statutes,  
11 relating to railroads.

1    SECT. 8. No contract shall be made by said  
2 company with the owner or owners of said patents  
3 or any of them nor with any other person or per-  
4 sons controlling the use of said patents without  
5 the written approval first obtained of the railroad  
6 commission.

1    SECT. 9. All rights under this act shall be for-  
2 feited unless said company shall, within six months  
3 after the granting of any location for five consec-  
4 utive miles by the proper authorities, deposit with  
5 the treasurer of the Commonwealth three hun-  
6 dred thousand dollars in cash or in United States  
7 government bonds as a pledge that five miles of

8 said railway shall be completed and operated  
9 within two years from the first day of July in the  
10 year eighteen hundred and ninety-four, and unless  
11 five miles of said railway is completed and oper-  
12 ated within two years from the first day of July  
13 in the year eighteen hundred and ninety-four.

1 SECT. 10. This act shall take effect upon its  
2 passage.



