

# HOUSE . . . . No. 1059.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 11, 1896.

The committee on Railroads, to whom was referred the petition of Llewellyn S. Evans and others for legislation in relation to alterations in the crossings of public and private ways with railroads, in the town of Hyde Park, and a petition in aid of the same; also the petition of Winslow Warren and others for legislation in relation to alterations in the crossings of public and private ways with the railroad of the New York, New Haven and Hartford Railroad Company in the town of Dedham, and the use of electric power on said railroad, report the accompanying Bill.

For the Committee,

FRED D. STANLEY.

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HOUSE OF REPRESENTATIVES, March 20, 1896.

The joint committee on Ways and Means, to whom was referred the Bill to require alterations in the crossings of public and private ways with railroads in the towns of Hyde Park and Dedham, and to permit the use of electric power on the Dedham branches of the New York, New Haven and Hartford Railroad, report that it ought to pass in a new draft herewith submitted.

For the Committee,

HENRY D. HUMPHREY.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-six.

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### AN ACT

To require Alterations in the Crossings of Public and Private Ways with Railroads in the Towns of Hyde Park and Dedham and to permit the use of Electric Power on the Dedham branches of the New York, New Haven and Hartford Railroad.

*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. The petitions in the superior court for  
2 Norfolk county by the directors of the New England  
3 railroad company and of the New York, New Haven and  
4 Hartford railroad company, and by the selectmen of  
5 Dedham for the alteration of the grade crossings of  
6 Milton street in Hyde Park, and Walnut, Mount Vernon  
7 and East streets in Dedham, may be consolidated by the  
8 court, and the commissioners who may be appointed  
9 therein shall prescribe the manner in which said crossings  
10 and all other crossings of public and private ways in  
11 said towns on the main line of said last named company  
12 and on the Dedham branches thereof shall be altered or  
13 abolished so as to insure greater public convenience and  
14 safety, and shall also provide for the relocation of the

15 stations of said companies in that part of Hyde Park  
16 known as Readville, and for a new additional highway  
17 crossing of the railroad of the New York, New Haven  
18 and Hartford railroad company not at grade between the  
19 Readville and Hyde Park stations at such point as the  
20 commissioners may find public necessity and convenience  
21 to require.

1   SECT. 2. The alterations and improvements pre-  
2 scribed by said commissioners, so far as they affect the  
3 crossings of the road of the New England railroad com-  
4 pany, shall be made by that company and the expense  
5 thereof be paid by it, and for that purpose it may issue  
6 bonds to be secured by mortgage upon its road and prop-  
7 erty to such amount as may be required therefor and  
8 approved by the board of railroad commissioners, or it  
9 may use the proceeds of bonds issued under its mortgage  
10 made on the second day of September in the year eigh-  
11 teen hundred and ninety-five and recorded in Suffolk  
12 registry of deeds September twelfth, eighteen hundred  
13 and ninety-five.

14   The alterations and improvements prescribed by the  
15 commissioners, so far as they affect the crossings of the  
16 road of the New York, New Haven and Hartford railroad  
17 company, shall be made by that company and the expense  
18 thereof paid by it from the proceeds of stock or bonds  
19 issued by the Old Colony railroad company under the  
20 provisions of the lease of that company to the New  
21 York, New Haven and Hartford railroad company and  
22 with the approval of the board of railroad commissioners,  
23 such stock to be sold at public auction and such bonds to  
24 be issued under the provisions of the general law.

1   SECT. 3. When the grade crossings on said Dedham  
2 branches are abolished, as provided in this act, the rail-

3 road company may operate such branches and its road  
4 between Readville and Boston with electric power in  
5 such manner and with such changes in its road-bed or  
6 tracks as it may find best adapted thereto, and for the  
7 purpose of transmission of electric power for the opera-  
8 tion of said road said company may take land in fee or  
9 otherwise within such limits as the county commissioners  
10 may prescribe, and damages may be recovered therefor  
11 in the manner provided in the general laws for the re-  
12 covery of damages for land taken for railroad purposes.

1     SECT. 4. All expense of relocation of stations under  
2 the first section of this act which the commissioners do  
3 not in their report decide to be reasonably necessary  
4 in connection with the alteration of crossings hereby  
5 required to be altered, and all expenses of any kind  
6 incurred under the third section of this act, shall be  
7 wholly paid by said railroad companies in such pro-  
8 portions as they may agree, or, if they fail to agree,  
9 may be fixed upon the application of either of them by  
10 the board of railroad commissioners.

1     SECT. 5. The acceptance of the report of the com-  
2 missioners by the court shall be a taking of the land  
3 required to be taken for railroad and highway purposes,  
4 as therein specified, and the provisions of sections one  
5 to eight inclusive of chapter four hundred twenty-  
6 eight of the acts of the year eighteen hundred and  
7 ninety, and all acts in addition to or in amendment  
8 thereof, shall, so far as they do not conflict with the  
9 provisions of this act, be applicable to all proceedings  
10 under this act.

1     SECT. 6. The superior court shall appoint some  
2 proper person to audit from time to time and make



3 report to the court of the expenses incurred by said rail-  
4 road companies, respectively, in making the alterations  
5 and improvements prescribed and required to be made  
6 by the report and decision of said commissioners which  
7 are not by this act required to be wholly paid by said  
8 railroad companies, and said reports when accepted by  
9 the court shall be final. Forty-five per cent. of the  
10 expense incurred by said railroad companies, respectively,  
11 as shown by said reports when accepted by the court,  
12 shall be provided and paid by the Commonwealth in the  
13 manner provided for the payments of the forty-five per  
14 cent. required to be paid under chapter four hundred  
15 and thirty-three of the acts of the year eighteen hundred  
16 and ninety-two, chapter one hundred and twenty-six of  
17 the acts of the year eighteen hundred and ninety-three,  
18 and chapter four hundred and sixty-seven of the acts of  
19 the year eighteen hundred and ninety-four, in relation to  
20 the abolition of grade crossings of the Boston and Provi-  
21 dence railroad in the city of Boston. And the towns of  
22 Hyde Park and Dedham shall each respectively repay to  
23 the Commonwealth thirty per cent. of the amount paid  
24 by it on account of the expenses incurred in said towns,  
25 such payments to be made in the manner and with the  
26 rate of interest provided in said acts of the years eighteen  
27 hundred and ninety-two, eighteen hundred and ninety-  
28 three and eighteen hundred and ninety-four.

1    SECT. 7. This act shall take effect upon its passage.





