

## SENATE.... No. 321.

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[Senate 311, as amended by the Senate and passed to be engrossed.]

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### Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Sixty-  
Eight.

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### AN ACT

To incorporate the Maverick Bridge 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    SECT. 1. Gilbert E. Pierce, Nehemiah Gibson,  
2 Samuel Hall, Nathaniel McKay, Charles R. McLean,  
3 Jeremiah H. Pote, Abraham S. Foss, their associates  
4 and successors, are hereby made a corporation by the  
5 name of the Maverick Bridge Company; with all the  
6 powers and privileges, and subject to all the duties,

7 liabilities and restrictions set forth in the sixty-eighth  
8 chapter of the General Statutes.

1   SECT. 2. The said corporation is hereby empow-  
2 ered and authorized to erect a bridge over the water  
3 between the mainland in the city of Boston, and East  
4 Boston, and to purchase or otherwise take and hold  
5 such real and personal estate as may be proper for  
6 that purpose, except that the property of the East  
7 Boston Ferry Company and that now used by them,  
8 shall not be so taken, unless the said city shall so direct,  
9 and shall permit the said ferry company to run their  
10 boats between the landings formerly occupied by the  
11 People's Ferry Company, free of charge and keeping  
12 the same in repair; and in that case said East Boston  
13 Ferry Company are hereby authorized to run their  
14 ferry between said landings.

15   The capital stock of this company shall not exceed  
16 fifteen hundred thousand dollars, divided into shares  
17 of one hundred dollars each.

1   SECT. 3. The said corporation shall be holden to  
2 make compensation to any person or corporation whose  
3 real estate shall be taken for the uses aforesaid, and if  
4 there shall be a difference of opinion as to the value  
5 of the same, the said corporation shall pay therefor  
6 such damages as shall be estimated by the board of  
7 aldermen of the city of Boston, and either party, if  
8 dissatisfied with their estimate, may apply to the supe-  
9 rior court next to be held within and for the county  
10 of Suffolk, after said estimates shall have been made  
11 known to them, and thereupon the same proceedings  
12 shall be had as in case of estimating and enforcing  
13 payment of damages for laying out ways in said city  
14 of Boston.

1     SECT. 4. The said corporation shall construct the  
2 piers of said bridge of such materials, size, shape,  
3 direction and position respecting currents and chan-  
4 nels, and the said bridge with a draw at right angles  
5 with the channel as near as may be, and with such  
6 accommodation for the passage of vessels through the  
7 same, as the mayor and aldermen of the said city of  
8 Boston, on consultation with the harbor commission-  
9 ers shall direct or approve; but substantially in con-  
10 formity to the single draw plan of T. Willis Pratt, or  
11 such improvements as may be made thereon; and in  
12 all other respects shall construct the same to the  
13 approval of said mayor and aldermen; and shall pro-  
14 vide and maintain a suitable steam tug-boat, or such  
15 other aids to the passage of vessels through the draw  
16 of said bridge, and for other purposes, as the said  
17 mayor and aldermen shall from time to time direct.

1     SECT. 5. The said corporation shall be allowed to  
2 collect and receive such tolls as the said mayor and  
3 aldermen shall from time to time determine: *provided,*  
4 *however,* that the rates of toll shall never, without the  
5 consent of said corporation be so much reduced as to  
6 reduce the yearly dividends of said company to an  
7 amount less than eight per cent. on the amount of  
8 capital stock actually invested; except that the same  
9 may be so reduced by said mayor and aldermen, if in  
10 their judgment the public interests shall require it,  
11 the said city making up the amount of said defi-  
12 ciency. Such right to collect and receive tolls to  
13 commence on the day when the said bridge shall be  
14 opened for public use, and to continue for the term of  
15 fifty years next thereafter; and at the place of receiv-

16 ing said tolls, there shall be constantly exposed to  
17 view a sign-board, with the said rates of toll fairly  
18 and legibly exhibited thereon.

1 SECT. 6. The said corporation shall cause to be  
2 kept regular books of account in which shall be  
3 entered full, true, exact and plain statements of all  
4 the expenses of building the said bridge, and of  
5 furnishing and equipping the same, and also a true  
6 and accurate account annually of all receipts and  
7 disbursements on account of the same, and of keep-  
8 ing it open and in order for public travel, which  
9 books of account shall be at all times open to the  
10 inspection of said mayor and aldermen, or of any  
11 committee thereof, and a copy of said accounts shall  
12 be made annually in the month of January, and under  
13 oath of the president and treasurer of said corpora-  
14 tion, to the board of aldermen of said city of Boston,  
15 to and including the thirty-first day of December in  
16 each year, and a duplicate copy of the same annually  
17 filed in the office of the secretary of the Common-  
18 wealth.

1 SECT. 7. Whenever the receipts of said corpora-  
2 tion shall have re-imbursed to said corporation the  
3 moneys expended by them in the construction of said  
4 bridge, its furnishings and equipments, and in keep-  
5 ing the same in good repair and condition, with  
6 interest on said expenditures at the rate of eight per  
7 cent. per annum, the said corporation shall thereupon  
8 immediately in writing notify the said board of alder-  
9 men of said city of that fact, and shall thereupon offer  
10 the said bridge, its furnishing and equipments, to be

11 surrendered to the said city of Boston, to be, and if  
12 accepted by the said city the same shall be, forever  
13 thereafter maintained as a free bridge by the said city  
14 at the public expense.

1     SECT. 8. The said city of Boston is hereby author-  
2 ized, if they shall so elect and determine, by a major  
3 vote of the two branches of the city council, in con-  
4 currence, to assume and take the franchise granted by  
5 this act, with all the rights and privileges belonging  
6 to the same, and shall thereupon proceed forthwith to  
7 construct the said bridge as a free bridge, at its own  
8 expense, and for that purpose shall have authority to  
9 issue from time to time coupon bonds, notes, scrip, or  
10 certificates of debt, as said city council shall, by  
11 major vote thereof, fix and determine.

1     SECT. 9. The said city of Boston, by a vote of the  
2 city council, as aforesaid, may at any time during the  
3 continuance of this charter, purchase and take of said  
4 company the said bridge and all the franchise, rights,  
5 privileges and property of the said company by paying  
6 or offering to pay them therefor such sum as will  
7 re-imburse them the amount of moneys expended by  
8 them in and upon said bridge, its furnishings,  
9 equipments, and repair, as aforesaid, with eight per  
10 cent. interest thereon, and less the net profits of said  
11 corporation from tolls, as aforesaid, and for that pur-  
12 pose shall have authority to issue from time to time  
13 bonds, notes, scrip, or certificates of debt, as herein  
14 before provided; and upon such payment or offer of  
15 payment the said corporation shall forthwith, by  
16 proper instruments of title, surrender and convey to

17 the said city the said bridge, with all the franchise,  
18 rights, privileges and property to the same appertain-  
19 ing, and the said bridge shall thereafter be maintained  
20 and kept by said city as a free bridge, at the public  
21 expense, as aforesaid.

1     SECT. 10. The said city of Boston, by a vote of  
2 the city council, as aforesaid, may assume and take,  
3 or purchase of said company, the said bridge and other  
4 property, as herein before provided, and have and  
5 exercise all the rights, powers and authority given to  
6 said company by this act, and subject to all the  
7 duties, liabilities and restrictions herein contained,  
8 in such manner and by such agents, officers and ser-  
9 vants as the said city council shall from time to time  
10 ordain, appoint and direct; and shall have a right to  
11 collect and receive the same rates of toll as are allowed  
12 by the fourth section of this act to said company:  
13 *provided*, that whenever from the tolls collected on  
14 said bridge, or from other sources, the said city shall  
15 have been fully re-imbursed all outlays and expendi-  
16 tures on account of said bridge, and the operation of  
17 the same, then the tolls on said bridge shall cease,  
18 and the said bridge shall ever after be maintained by  
19 said city as a free bridge.

1     SECT. 11. If said corporation or said city, as the  
2 case may be, shall neglect for the space of five years  
3 to build and finish the said bridge, then this act shall  
4 be void.

1     SECT. 12. Whenever two hundred thousand dollars  
2 of said capital stock shall have been actually paid in

3 in cash, the said corporation may issue its bonds for  
4 an amount not exceeding the residue of its capital  
5 stock, at a rate of interest not exceeding eight per  
6 cent. per annum, and not exceeding fifty years to their  
7 maturity, and secure the same by a mortgage of the  
8 said bridge, furnishings and equipments, and of the  
9 franchise and privileges thereto appertaining.

1    SECT. 13. When the said bridge company shall  
2 have built the said bridge, they shall offer, in  
3 writing, to purchase of the East Boston Ferry  
4 Company the boats, with their appurtenances, then  
5 in use by them for ferry purposes; and in case  
6 the two parties fail to agree upon the terms of said  
7 purchase, the supreme judicial court, in term time or  
8 vacation, shall, on the application of either party,  
9 appoint three commissioners to appraise the same at  
10 their fair valuation for ferry purposes, and shall fix  
11 the terms of purchase thereof; and if the same  
12 shall be accepted by said ferry company, they shall  
13 thereupon cease to run and maintain a ferry between  
14 said Boston and East Boston, and the same shall  
15 thereafter be run by said bridge company, with  
16 all the rights and privileges now had and enjoyed  
17 by the said East Boston Ferry Company; but if  
18 the said ferry company shall refuse to sell as  
19 aforesaid, the said bridge company shall be held to  
20 no further obligations hereunder. And if said  
21 bridge company shall fail to pay to said East Boston  
22 Ferry Company the amount awarded by said com-  
23 missioners within ninety days after their award shall  
24 have been accepted by the said court, then this act  
25 shall be void.

8 MAVERICK BRIDGE COMPANY. [May, '68.

1 SECT. 14. This act shall take effect upon its pas-  
2 sage.

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SENATE, May 29, 1868.

Passed to be engrossed.

Sent down for concurrence.

S. N. GIFFORD, *Clerk.*