

HOUSE No. 1599

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 28, 1909.

The committee on Railroads, to whom were referred the petition (with accompanying bill, House, No. 45) of John W. Beals for legislation to authorize the creation of a corporation with authority to construct a railroad and transport freight along or near the water front in that part of the city of Boston known as East Boston, and the report of the Board of Railroad Commissioners and the Board of Harbor and Land Commissioners, under chapter 134 of the resolves of the year 1908, upon the feasibility of forming a definite and comprehensive plan for the development of railroad and water front facilities in that part of the city of Boston known as East Boston (House, No. 291), report the accompanying bill.

For the committee,

EDWIN A. BAYLEY.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To incorporate the East Boston Railroad 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. John W. Beals, Frank Owen White,
2 J. Murray Howe, Marland L. Pratt, Robert G.
3 Dodge, Ernest W. Bowditch, John L. Lothrop,
4 Gardner Beals, Ellerton P. Whitney, Robert J. Kis-
5 sock, Frederick L. McGowan, George A. Sweetser,
6 Henry H. Richardson, Arthur Wainwright and Jo-
7 seph D. Dillworth, their associates and successors,
8 are hereby made a corporation by the name of East
9 Boston Railroad Company, subject to all the gen-
10 eral laws which now are or may hereafter be in
11 force relating to railroad corporations so far as the
12 same are applicable and not inconsistent herewith.

1 SECTION 2. The capital stock of said corporation
2 shall not exceed five hundred thousand dollars and
3 shall be divided into shares of one hundred dollars
4 each.

1 SECTION 3. Said corporation may issue coupon or
2 registered bonds to an amount which, including that
3 of bonds previously issued, shall not exceed in the
4 aggregate the capital stock of the corporation
5 actually paid in at the time. Said bonds may be
6 issued for any purpose for which the corporation
7 may lawfully spend money and said corporation
8 may, as security for the payment thereof, mortgage
9 or pledge its franchises and any of its real or per-
10 sonal property and property thereafter acquired
11 by it.

1 SECTION 4. No bonds or stock shall be issued
2 under the provisions of this act until the issue shall
3 have been approved by the board of railroad com-
4 missioners in the manner provided for the approval
5 of the issue of bonds or stock of railroad corpora-
6 tions in chapter four hundred and sixty-three of the
7 acts of nineteen hundred and six and acts in amend-
8 ment thereof and in addition thereto.

1 SECTION 5. Said corporation may locate, con-
2 struct, maintain and operate a railroad by steam
3 power or electricity for the transportation of
4 freight only, upon and over the following location,
5 to wit, — starting at a point west of Border street
6 near the corner of New street and Sumner street,
7 thence in and through private land to Border street,
8 thence in and through Border street to Condor
9 street, thence in, through and over private lands
10 and flats and near the southerly side of the channel
11 of Chelsea creek, thence in and through and over
12 flats by a continuation of a necessary curve under
13 the Meridian street Chelsea bridge and thence

14 southeasterly and afterwards easterly or northeast-
15 erly in and through private lands and flats and
16 lands of the city of Boston lying north of Condor
17 street and East Eagle street, thence under Chelsea
18 street and in and under private land and Bremen
19 street to the tracks of the Boston and Albany Rail-
20 road Company and may construct such branches,
21 spurs, sidings, connections, switches, terminal
22 tracks and extensions in connection with the loca-
23 tion above set forth as may be authorized by the
24 board of railroad commissioners.

1 SECTION 6. Said corporation shall not lay any
2 tracks in any public way in the city of Boston, other
3 than Border street, until the location therein shall
4 have been approved by the board of railroad com-
5 missioners of Massachusetts. Said corporation
6 may vary or alter the location described in section
7 five of this act with the approval of the board of
8 railroad commissioners of Massachusetts. All de-
9 tails of equipment and operation of the said rail-
10 road shall be subject to the approval of the board of
11 railroad commissioners. Before the said railroad
12 is constructed upon Border street, that street shall
13 be widened throughout its entire length at the ex-
14 pense of the said corporation to such an extent and
15 in such manner as shall be prescribed by the board
16 of railroad commissioners, who shall make their
17 findings within ninety days after the passage of
18 this act.

1 SECTION 7. Said corporation may buy, purchase
2 or otherwise take land outside the limits of public
3 ways for the purpose of constructing its railroad,

4 buildings, shops, stations and houses or other struc-
5 tures necessary for the location, construction,
6 maintenance or operation of said railroad and pro-
7 viding necessary and convenient terminals, and for
8 such purpose may take any land in the same man-
9 ner in which land may be taken for railroad pur-
10 poses in chapter four hundred and sixty-three of
11 the acts of nineteen hundred and six and acts in
12 amendment thereof and in addition thereto. Said
13 corporation shall pay all damages occasioned by
14 such taking and such damages shall, on application
15 of either party, be estimated and determined in the
16 manner provided in said chapter four hundred and
17 sixty-three of the acts of nineteen hundred and six
18 and acts in amendment thereof and in addition
19 thereto in the case of railroad corporations.

1 SECTION 8. Said corporation may construct such
2 tunnels upon the route aforesaid as may be neces-
3 sary to enable it to go under and cross any of the
4 land or any of the streets included in the location
5 set forth in section five and is hereby authorized to
6 construct such bridges as may be necessary to
7 enable it to construct its tracks over flats or over
8 any tidewater: *provided, however,* that all such
9 bridges and all such tunnels and plans therefor
10 shall be approved by the board of harbor and land
11 commissioners or the board of railroad commis-
12 sioners as provided in said chapter four hundred
13 and sixty-three of the acts of nineteen hundred and
14 six and acts in amendment thereof and supple-
15 mentary thereto with reference to bridges and
16 tunnels of railroads.

1 SECTION 9. Said company shall have all the
2 powers and privileges and be subject to all the
3 duties, restrictions and liabilities set forth in chap-
4 ter four hundred and sixty-three of the acts of nine-
5 teen hundred and six and acts in amendment thereof
6 and in addition thereto in relation to railroads so
7 far as the same are applicable except as aforesaid.

1 SECTION 10. This act shall take effect upon its
2 passage: *provided, however,* that the corporate
3 powers of the said corporation shall cease unless
4 it shall file with the treasurer and receiver general
5 of the commonwealth a bond of two hundred and
6 fifty thousand dollars, with sureties satisfactory to
7 him, within ten days after the findings of the board
8 of railroad commissioners as to the widening of
9 Border street, as specified in section six; such bond
10 to be conditioned upon the agreement that the said
11 sum shall be paid to the commonwealth, and the
12 corporate powers of the said corporation shall
13 cease, if the said railroad is not completed and
14 opened for use within three years after the said
15 findings of the board of railroad commissioners.