

SENATE...No. 197.

Commonwealth of Massachusetts.

IN SENATE, May 21, 1855.

The Committee on Mercantile Affairs and Insurance, to whom was committed the Bill authorizing the Fort Hill Corporation to build an Avenue from Boston to South Boston, have considered the same, and

REPORT:

Your Committee have hitherto had the proposition of the Fort Hill Corporation, to build an Avenue to South Boston, before them for consideration. They reported leave to withdraw on the petition of this corporation, on the 25th day of April. This Report was accepted. A legitimate bill to build an avenue, which should be in the hands of South Boston shore owners, has been reported by your Committee. It was defeated in the House after passing through its various readings in the Senate, as your Committee have reason to know by the influence of parties who have caused the Fort Hill Corporation bill to be introduced on leave at the close of the session, when there is no time for consideration or deliberation. Your Committee have no confidence in the scheme, or in the avowed intentions of the parties who are the schemers.

Whether the intentions of the parties asking to be incorporated are legitimate or not, your Committee believe their proposal demands more consideration than they are able to give it at this stage of the session, and as the rights of parties who have had no hearing might be affected, we recommend an indefinite postponement of the Bill.

For the Committee,

C. K. HAWKES.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Five.

AN ACT

To authorize the Fort Hill Corporation to build a Bridge and Avenue.

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. That the Fort Hill Corporation, in the
2 city of Boston, being authorized by the terms of their
3 charter, to dig down and lower the grade of said Hill,
4 to discontinue the old streets, and to lay out new
5 streets, under the sanction of the mayor and aldermen
6 of said city, and said authority applying only to im-
7 provements between Milk and Broad Streets, there-
8 fore it is hereby extended to Liberty Square; and said
9 corporation may, under the sanction of said mayor
10 and aldermen, commence at said Liberty Square the

11 construction of a street or avenue, not less than sixty
12 feet wide, and extend it thence in a line nearly par-
13 allel with Pearl Street to the commissioners' line on
14 Fore Point Channel, and across said channel to the
15 commissioners' line on the southerly side thereof by
16 a substantial pile bridge, with a suitable draw there-
17 to, to be approved by the commissioners hereinafter
18 named, and from thence construct a solid avenue, not
19 less than eighty feet wide, over the flats to lands belong-
20 ing to the city at South Boston, near L Street, and may
21 also lay down, to be removed when said mayor and
22 aldermen may require, such rail tracks as may be con-
23 venient and necessary to remove the earth from said
24 Hill to fill up and make the avenue aforesaid; and to
25 complete said avenue through the whole extent from
26 said Liberty Square to said city lands at South Bos-
27 ton as aforesaid; and as a remuneration for the cost
28 of said bridges and the avenue over the flats, the said
29 corporation may enclose such further quantity of
30 flats, upon the south-westerly side of said avenue, as
31 commissioners, appointed by the governor and council
32 for that purpose, shall deem just and reasonable, and
33 under the approval of the supreme judicial court, as
34 to the validity of the grant; and the flats so granted
35 may be filled up and made into solid land; and said
36 corporation may hold the same with the natural and
37 usual rights and privileges pertaining to lands gen-
38 erally, and may sell and convey in fee any part or all
39 thereof, and lease, mortgage or otherwise improve the
40 same as may be deemed by said corporation or their
41 grantees most for the benefit of said property: *pro-*
42 *vided, always,* that any owner of land or flats over
43 which any part of said avenue may be constructed,

44 shall be entitled to damages, to be estimated and
45 recovered in the manner provided by law for the
46 recovery of damages occasioned by the laying out of
47 public highways.

1 SECT. 2. Said corporation, in constructing said
2 avenue as aforesaid, shall leave an opening for the
3 public dock in South Boston, and shall cross the
4 same by a bridge on piles, with suitable and con-
5 venient draws thereto, and leave such further opening
6 in connection therewith as may be deemed by the
7 commissioners aforesaid necessary to preserve the
8 flowing and ebbing of the tide, until by filling up the
9 flats above said avenue, the need thereof shall cease
10 to exist.

1 SECT. 3. The model of the bridge herein author-
2 ized over Fore Point Channel, and also over said
3 public dock, shall be such as the commissioners afore-
4 said shall approve; but before either of them shall
5 be built, a bond to the city of Boston shall be exe-
6 cuted, with security satisfactory to the mayor and
7 aldermen thereof, with conditions providing for the
8 maintenance of said bridges and avenue, and for the
9 faithful and constant attendance to opening and clos-
10 ing of the draws thereof at all times for the passage
11 of vessels, unless that obligation is assumed by the
12 city itself, which it may do.

1 SECT. 4. Nothing herein contained shall impair
2 the power of the legislature to grant to the riparian
3 proprietors, on the South Boston shore, the flats either
4 on the inside or outside of said avenue; excepting

5 such flats as shall be awarded by the commissioners
6 aforesaid to the Fort Hill Corporation.

1 SECT. 5. This act shall be void, unless said bridge
2 over Fore Point Channel shall be built and completed
3 within one year from the date of the action of the
4 supreme court aforesaid, and the said avenue within
5 two years thereafter; and when so built and com-
6 pleted shall be dedicated to the free public use for-
7 ever.

1 SECT. 6. If any of the proprietors of flats to be
2 awarded as herein provided, as a recompense for the
3 cost of constructing said avenue, shall prefer to pay
4 money instead of giving their flats, then at their re-
5 quest the commissioners aforesaid shall assess the just
6 share of expenses due from such party or parties, and
7 they shall pay the same to the Fort Hill Corporation.

1 SECT. 7. All the expenses of said commissioners,
2 and of the process in the supreme court, shall be paid
3 by the said corporation, and said corporation shall give
4 bond to the State, if required, in such sum as the
5 governor may determine, to secure the payment of
6 said expenses.

HOUSE OF REPRESENTATIVES, May 19, 1855.

Passed to be engrossed. Sent up for concurrence.

H. A. MARSH, *Clerk.*