

SENATE....No. 26.

Commonwealth of Massachusetts.

IN SENATE, January 29, 1861.

The Committee on Railways and Canals, to whom was re-committed the Bill to incorporate the Quincy Railroad Company, have considered the same, and report the same in a new draft.

For the Committee,

E. L. NORTON, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

To incorporate the Quincy 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 SECT. 1. William S. Morton, John J. Glover, and
2 Robert B. Leuchars, their associates and successors,
3 are hereby made a corporation, by the name and title
4 of the Quincy Railroad Company, with power to con-
5 struct, maintain and use a railway or railways, with
6 convenient single or double tracks, with suitable turn-
7 outs, from such point or points in the town of Quincy,
8 upon and over the streets or highways therein, to the
9 line separating said town from the town of Dorchester,
10 as shall, from time to time, be fixed by vote of the
11 selectmen of said town, and assented to in writing by

12 said corporation, and thence upon and over either
13 side of the Neponset Turnpike, so called, with
14 authority to pass over such creeks and streams as
15 their road traverses, by suitable bridges, when needed,
16 and thence upon and over the Neponset Bridge, and
17 such streets and highways in said town of Dorchester
18 as shall, from time to time, be fixed by vote of the
19 selectmen of said town of Dorchester, and assented to
20 by said corporation in writing, so as to connect with
21 the Dorchester Avenue Railroad at Glover's Corner
22 or Field's Corner, so called, at such points as may be
23 agreed on in writing by said two railroad companies,
24 and assented to by the selectmen of said last named
25 town: *provided*, that all tracks of said Quincy Rail-
26 road shall be laid at such distances from the sidewalks
27 in said towns as the selectmen of said towns shall, in
28 their orders fixing the route of said railroad, respec-
29 tively, determine to be for the public safety and con-
30 venience: *provided, further*, that before the location
31 and construction of any track in any of said streets or
32 highways, the selectmen of said towns, respectively,
33 shall give notice to the abutters thereon fourteen days
34 at least before the hearing, that they may show cause,
35 if any there be, why said tracks shall not be so located
36 and constructed.

1 SECT. 2. The location of said railroad over said
2 Neponset Bridge, and the manner in which the same
3 shall be built, and the construction of a draw or draws
4 in said bridge, and the mode in which the same shall
5 be tended, managed and opened for the passage of
6 vessels and the maintenance of that portion of said
7 bridge on which said railroad is located and runs,

8 shall be subject to the approval of the county com-
9 missioners of the county of Norfolk, while the said
10 bridge continues to be a county road.

1 SECT. 3. The said Quincy Railroad Company shall
2 have the right, at the points of connection with the
3 said Dorchester Avenue Horse Railroad, to enter
4 upon and travel over with their cars and vehicles the
5 tracks of the said Dorchester Avenue Railroad, and
6 any other railroad now connecting therewith in the
7 city of Boston, upon terms to be agreed on in writing
8 by the respective companies interested; and in case
9 of disagreement as to the mode of connection, or the
10 manner, time, or extent of use of said railways respec-
11 tively, or the compensation to be paid therefor, the
12 same shall be adjusted and determined by three com-
13 missioners, to be appointed by the supreme judicial
14 court upon petition of either of the parties interested;
15 and the compensation of all commissioners appointed
16 by said court, shall be paid by the parties in interest,
17 in equal shares.

1 SECT. 4. Nothing in this act shall be construed
2 to prevent the lawful authorities in said towns or
3 city from taking up any of the streets or highways
4 traversed by said railroad or its cars, for the purposes
5 for which they may now lawfully take up the same.

1 SECT. 5. Said railroad shall be operated by horse-
2 power only, and the selectmen of the said towns and
3 the mayor and aldermen of said city, may at all times
4 make such regulations as to the rate of speed and

5 mode of use of the tracks laid or used by said Quincy
6 Railroad within their respective highways and streets,
7 as they may deem best for the public safety and con-
8 venience ; and they shall also respectively have the
9 power at any time after the expiration of one year
10 from the opening of said railway for use upon any
11 street or highway on which the same may be located
12 under this act, to order that the whole or any part
13 thereof shall be discontinued, and thereupon as to
14 such part, the location shall be deemed to be revoked ;
15 and the tracks of said railway shall thereupon forth-
16 with be removed in conformity with such order, at
17 the expense of said Quincy Railroad Company.

1 SECT. 6. Said Quincy Railroad Company is hereby
2 authorized to purchase and hold such real and per-
3 sonal estate within said towns and city as may be
4 needful or convenient for the purposes of its railroad ;
5 and also to fix from time to time such rates of com-
6 pensation for transportation of persons or property,
7 as they think expedient ; and shall be subject to all
8 general laws which have been or may hereafter be
9 enacted relating to horse railroads.

1 SECT. 7. Said Quincy Railroad Company shall
2 maintain and keep in repair such portion of the
3 streets and highways in said towns, and of said Ne-
4 ponset Bridge, and of any other bridge, as shall be
5 used for its tracks, and shall not encumber any other
6 portion thereof ; and shall be liable for any loss or
7 injury that may be sustained by reason of any care-
8 lessness, neglect or misconduct of its agents or ser-

9 wants in the construction, management or use of said
10 railway, streets and bridges; and in case any recovery
11 shall be had against either of said towns or said city,
12 or against any corporation, by reason of such careless-
13 ness, neglect or misconduct, said Quincy Railroad
14 Company shall be liable to pay to said towns, and city
15 and corporation, respectively, the amount so recovered,
16 and all reasonable costs of defending the suits in
17 which such recovery may be had, provided that said
18 Quincy Railroad Company have due notice from said
19 towns or city, or other corporation, of the pendency
20 of such suits, and due opportunity to take upon
21 themselves the defence thereof, which they are hereby
22 empowered to do.

1 SECT. 8. Any person who shall wilfully obstruct
2 said company in the use of the tracks hereby au-
3 thorized, or the passing of the cars thereon, or shall
4 aid and abet therein, shall be punished by fine not
5 exceeding five hundred dollars, or imprisonment in
6 the common jail not exceeding three months. If said
7 Quincy Railroad Company or any of its agents or
8 servants wilfully obstruct any street or highway, or
9 the passing of carriages thereon, said company shall be
10 punished by fine not exceeding five hundred dollars.

1 SECT. 9. The towns of Quincy and of Dorchester
2 may at any time during the continuance of this
3 charter, and after the expiration of ten years from
4 the opening, for use, of said railroad, purchase of said
5 company all its franchise, rights and property, by
6 paying to said company therefor such a sum of money
7 as will reimburse to each person who may then be a

8 stockholder therein, the par value of his stock to-
9 gether with a net profit of ten per cent. per annum
10 from the time of the issue or transfer of the stock to
11 him, deducting the dividends received by such stock-
12 holder thereon.

1 SECT. 10. The capital stock of said Quincy Rail-
2 road Company shall not exceed one hundred thousand
3 dollars, to be divided into shares of one hundred dol-
4 lars each, and no shares shall be issued for a less
5 amount, to be actually paid in on each, than the par
6 value of the shares which shall be first issued.

1 SECT. 11. Said Quincy Railroad is hereby author-
2 ized and empowered to issue bonds in sums not less
3 than one hundred dollars each, for the purpose of con-
4 structing and equipping their road, the amount thereof
5 not to exceed the capital stock paid in and to be
6 approved, certified, recorded and secured, in the same
7 way as the Cambridge Horse Railroad bonds hereto-
8 fore authorized by law.

1 SECT. 12. Said Quincy Railroad shall be deemed
2 a railroad corporation so far as to make the annual
3 returns to the legislature which are or may be required
4 to be made by law, but shall not be subject to the
5 other provisions of law relative to railroad corpora-
6 tions except as provided in section six.

1 SECT. 13. The Quincy Railroad Company is hereby
2 empowered to lease or sell its franchise, rights and
3 property, to the said Dorchester Horse Railroad Com-
4 pany or to any other connecting horse railroad
5 company, and in case of such sale the purchasing

6 company shall be entitled to all the rights and privi-
7 leges, and to be subject to all the liabilities of said
8 Quincy Railroad Company in virtue of this charter.

1 SECT. 14. This act shall be void unless said charter
2 shall be accepted by said Quincy Railroad Company
3 and said road located within one year from the date of
4 the passage hereof.

1 SECT. 15. This act shall take effect from and
2 after its passage.