

## SENATE....No. 73.

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### Commonwealth of Massachusetts.

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IN SENATE, March 26, 1852.

The Joint Committee on Mercantile Affairs and Insurance, to which was committed the petition of Samuel Hall and others, praying for a charter for a ferry between Boston and East Boston,—also, the petitions of Rufus L. Hinkley and others, Moses Miller and others, Asa Robbins and others, and William Waters and others, all in aid of said petition,—report the accompanying bill.

GEO. H. KUHN, *Chairman.*

## Commonwealth of Massachusetts.

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

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### AN ACT

To incorporate the East Boston Ferry 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. Samuel Hall, Noah Sturtevant, Daniel  
2 D. Kelley, Richard Soule, Jr., their associates and  
3 successors, are hereby made a corporation for the  
4 term of twenty years, by the name of the East Boston  
5 Ferry Company, for the purpose of establishing and  
6 supporting a ferry between the main land in the city  
7 of Boston and the island of East Boston, with all the  
8 powers and privileges, and subject to all the duties,  
9 liabilities, and restrictions set forth in the forty-fourth  
10 chapter of the Revised Statutes.

1    SECT. 2. Said company shall be bound to furnish  
2 all such accommodation for the transportation of per-  
3 sons, horses, cattle, carriages, wagons, goods, and  
4 merchandise, as the mayor and aldermen of the city

5 of Boston for the time being, shall from time to time  
6 consider that the public convenience requires, and  
7 shall be allowed to collect and receive such tolls as  
8 the said mayor and aldermen shall determine: *pro-*  
9 *vided*, however, that the rates of ferriage shall never  
10 be so much reduced as to reduce the yearly dividends  
11 of said company to an amount less than six per cent.  
12 on the amount of capital stock actually invested.

1   SECT. 3. Said company may hold real and personal  
2 estate necessary and convenient for the purposes afore-  
3 said, not exceeding in amount the sum of three hun-  
4 dred thousand dollars, to be divided into shares not  
5 exceeding one hundred dollars each; *provided*, that  
6 no shares shall be issued for a less sum or amount to  
7 be actually paid in on each, than the par value of the  
8 shares first issued.

1   SECT. 4. No person shall, directly or indirectly,  
2 hold or own more than five thousand dollars of the  
3 amount of the capital stock; and every stockholder  
4 shall have a right to vote at all meetings of said com-  
5 pany, and be entitled to as many votes as he has  
6 shares; *provided*, that no stockholder shall be entitled  
7 to more than ten votes.

1   SECT. 5. The immediate government and direction  
2 of the affairs of said company shall be vested in a  
3 board of not less than five directors, who shall be  
4 chosen by the stockholders annually, and shall hold  
5 their offices until others shall be duly elected in their  
6 places.

1   SECT. 6. The directors of said company shall from  
2 year to year, in the month of January, make a return  
3 to the said mayor and aldermen, under oath, of their

4 acts and doings, receipts and expenditures, specifying  
5 the several items making up said expenditures; and  
6 their books shall at all times be open to the inspection  
7 of any committee of the said mayor and aldermen,  
8 appointed for that purpose; and if the directors of  
9 said company shall refuse or neglect to make such  
10 returns they shall, for every such refusal or neglect,  
11 forfeit a sum not exceeding five thousand dollars, to  
12 be recovered in an action of debt by the city of Bos-  
13 ton, for its own use.

1     SECT. 7. The city of Boston shall be exempt from  
2 paying toll for all persons, horses, cattle, carriages,  
3 and wagons, when actually in the employ of said city.

1     SECT. 8. Nothing in this act shall be construed  
2 to take from the said mayor and aldermen the power  
3 which they now have by virtue of the twenty-sixth  
4 chapter of the Revised Statutes, to license any person  
5 or persons as ferrymen, from the main land in the city  
6 of Boston to the island of East Boston, whenever they  
7 may consider the public convenience or necessity to  
8 require it.

1     SECT. 9. Said company may purchase or otherwise  
2 take any land necessary for the purpose of said ferry,  
3 and if they shall not be able to obtain such land by  
4 an agreement with the owner thereof, they shall pay  
5 therefor such damages as shall be estimated and de-  
6 termined by the said mayor and aldermen; and either  
7 party, if dissatisfied with any estimate made by the  
8 said mayor and aldermen, may apply for a jury to  
9 the Court of Common Pleas next to be held within  
10 the county of Suffolk after the said estimate is made  
11 known to the parties; and thereupon the same pro-  
12 ceedings shall be had as in case of estimating and

13 enforcing payment of damages for laying out ways  
14 within the said city of Boston: *provided*, said com-  
15 pany shall not have power to take any property of  
16 the present ferry company, now legally held and used  
17 by them for maintaining a ferry from Boston to East  
18 Boston, without the consent of said ferry company.

1     SECT. 10. The city of Boston, by a vote of the city  
2 council, may at any time during the continuance of  
3 the charter of said company, purchase of the said  
4 company the said ferry, and all the franchise, pro-  
5 perty, rights, and privileges of the said company, by  
6 paying them therefor such a sum as will reimburse  
7 them the amount of capital paid in, with a net profit  
8 thereon, as may be agreed upon, not exceeding ten  
9 per cent. per annum, from the time of the payment  
10 thereof by the stockholders to the time of such pur-  
11 chase.

1     SECT. 11. For the purpose of making the pur-  
2 chase aforesaid, the city council of the city of Boston  
3 shall have authority to issue, from time to time, notes,  
4 scrip, or certificates of debt, to be denominated on the  
5 face thereof "*Boston Ferry Scrip*," to an amount not  
6 exceeding in the whole the sum of five hundred thou-  
7 sand dollars, bearing interest at a rate not exceeding  
8 the legal rate of interest in this Commonwealth; and  
9 said interest shall be payable semi-annually, and the  
10 principal shall be payable at periods not more than  
11 forty years from the issuing of the said scrip, notes, or  
12 certificates respectively. And the said city council  
13 may sell the same, or any part thereof, from time to  
14 time, at public or private sale, or pledge the same for  
15 money borrowed for the purpose aforesaid, on such  
16 terms and conditions as the said city council shall  
17 judge proper. All notes, scrip, and certificates of

18 debt to be issued as aforesaid, shall be signed by the  
19 treasurer and auditor, and countersigned by the mayor  
20 of the said city, and a record of all such notes, scrip,  
21 and certificates shall be made and kept by the said  
22 treasurer and auditor respectively.

1 SECT. 12. Whenever said city of Boston shall pur-  
2 chase said ferry of said company, all the rights, pow-  
3 ers, and authority given to said company by this act  
4 shall be vested in and exercised by said city of Boston,  
5 subject to all the duties, liabilities, and restrictions  
6 herein contained, in such manner and by such agents,  
7 officers, and servants as the said city council shall from  
8 time to time ordain, appoint, and direct. And said  
9 city of Boston shall have the right to collect and  
10 receive the same rates of toll as are allowed, by the  
11 second section of this act, to said company; *provided*,  
12 that whenever the tolls collected on said ferry shall  
13 be sufficient to reimburse the said city of Boston for  
14 the cost of said ferry, with such a per cent. interest,  
15 annually, as said city of Boston pays on said "Boston  
16 ferry scrip," and for all the expenses of the repairs  
17 and additions to said ferry, and all current and inci-  
18 dental expenses of its superintendence and manage-  
19 ment, and to provide such a fund as the said city  
20 council may regard sufficient for the future support  
21 of said ferry,—then the tolls on said ferry shall cease,  
22 and said ferry shall ever after be maintained by said  
23 city of Boston as a free ferry; *provided, also*, that the  
24 said city council shall have the power and authority  
25 to reëstablish such rates of toll on said ferry as may  
26 be sufficient to pay the current and incidental expenses  
27 of the superintendence and management thereof when-  
28 ever the fund aforesaid shall be found insufficient for  
29 its support. And that the income, rents, and receipts  
30 of said ferry, after deducting all expenses and charges

31 of support and maintenance, shall be set apart as a  
32 sinking fund, and shall be appropriated for and  
33 towards the payment of the principal and interest of  
34 said scrip, and for the accommodation of the fund  
35 aforesaid, and shall, under the management, control,  
36 and direction of the mayor, treasurer, and auditor of  
37 said city, or the major part of them for the time being,  
38 who shall be trustees of the said fund, be applied  
39 solely to the use and purpose aforesaid. And the  
40 said trustees shall, whenever thereto required by said  
41 city council, render a just, true, and full account to  
42 the said city council of all their receipts, payments,  
43 and doings under the provisions of this section.

1   SECT. 13. If the said ferry shall not be established  
2 and opened for public use within five years from the  
3 passage of this act, then this act shall be void.

