

HOUSE....No. 180.

Commonwealth of Massachusetts.

IN SENATE, April 26, 1853.

The undersigned, a Minority of the Second Committee on Railways and Canals, to whom was referred the petition of Phineas J. Stone and others for a charter to construct a railroad in Somerville and Charlestown, regret that they are obliged, by a sense of duty, to dissent from the Majority, and

R E P O R T

in favor of the petitioners.

The object of the petitioners is the improvement of the whole northern side of Charlestown by the construction of a railroad over the flats and wharves, the improvement of which was authorized by the legislature after a careful investigation at its last session.

In the session of 1851 a bill for this railroad was unanimously reported by a committee, but did not pass, in consequence of opposition then made to the improvement of the flats. That measure being now authorized, the railroad is a necessary appendage.

Charlestown is eminently commercial, but a large proportion of its front upon the harbor is now occupied by the Navy Yard and Fitchburg Railroad, and is shut in by numerous bridges ;

and the principal front where any new wharves can now be constructed is the northern shore, where a wharf frontage of more than two miles in extent will be made accessible by this railroad, which is but one and a half miles in length.

It appeared, at the hearing before the committee, that this railroad was essential to the creation of the proposed wharves; that it would bring in the gravel for their construction, and, upon their completion could connect them with the Boston and Maine, Grand Junction, and other railroads. It was in proof before the committee that the city of Charlestown were nearly unanimous for this measure; that wharves were required in Charlestown for landing lumber, lime, and other business, and that the Boston and Maine and other railroads were cramped in their limits, and required additional accommodation.

It was further proved that the ice business was now greatly embarrassed for want of room, and that the charge for wharfage on shipments of ice had within a few years risen more than sixty per cent.

It was proved before the committee that the ice crop last year in the vicinity of Boston exceeded four hundred thousand tons, and was annually increasing; that it required a large amount of room both for the deposit of ice and for the chaff, sawdust, and shavings in which it was packed for shipment. It was shown also that several extensive and costly establishments for cutting and storing ice had been broken up and rendered worthless by want of proper facilities for shipment. It was also proved that this railroad, and the wharves connecting with it, would furnish most convenient facilities both for landing timber and shipping ice, in connection with the Boston and Maine Railroad, which has no spare room for storing lumber, and no accommodation for loading vessels of suitable size, with ice, although there are on that line and its branches, within a few miles of Boston, no less than five ponds where excellent ice is made, one of which—Spot Pond—freezes early and to unusual depth, because it is elevated 150 feet above the sea.

It was proved also that the proposed railroad would greatly accommodate Charlestown by bringing gravel for its streets, in which it is now deficient, and in case the new line to Troy

should be constructed, the proposed wharves would be of still greater importance to commerce. The objections to this railroad were principally from the owners of three estates, whose proprietors thought they might be injured by this improvement; but the undersigned considered this possible injury very questionable, and were of opinion that two of them may be actually benefited; and were it otherwise, the owners will receive full compensation from a reference or jury.

An objection was also taken by the Grand Junction Railroad that it might divert freight that would otherwise be shipped from its wharves at East Boston, but it appeared by the testimony that the distance from the point where this line branches from the Boston and Maine to East Boston, was six miles; that the wharves at East Boston had cost seventy cents per foot, while the wharves at Charlestown would cost less than twenty cents per foot, and it was obvious to the undersigned members of your committee, that heavy freight, like ice and lumber, could not bear an unnecessary and expensive journey of six miles, or submit to the charges of costly piers when cheap wharves were more accessible.

An objection was also interposed by the Eastern Railroad Company that this line might interfere with a plan they have in agitation of laying a new track rising above the level of the Boston and Maine Railroad, in Charlestown; but upon a view it was apparent there was nothing in this objection, as the Eastern Railroad Company, after the construction of this line, will have ample room to rise on its way towards Boston, and your committee have provided against any such interference. This road must ultimately be made. A favorable opportunity is now offered for it by the discontinuance of the Middlesex Canal, whose site it may occupy, and it is desirable it should be made before any new impediments are thrown in its way. It would indeed be most unjust that any railroad which has been suffered to cross Charlestown to enter another city, should be suffered to retard or prevent the commercial progress and improvement of the former city.

WM. P. CORTHELL.
VELOROUS TAFT.

Commonwealth of Massachusetts.

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

AN ACT

To Incorporate the Mystic River Railroad.

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. Phineas J. Stone, James G. Fuller, David
2 Hamblen, James Dana, Frederick Tudor, and their
3 associates, successors and assigns, are hereby made a
4 corporation, by the name of the Mystic River Rail-
5 road, with all the powers and privileges, and subject
6 to all the duties, liabilities and restrictions, set forth
7 in the forty-fourth chapter of the Revised Statutes,
8 and that part of the thirty-ninth chapter thereof, re-
9 lating to railroad corporations, and to all other general
10 laws which have been, or shall be hereafter passed,
11 relating to railroad corporations.

1 SECT. 2. The said corporation is hereby empowered

2 to locate, construct and maintain, a railroad with one
3 or more tracks, commencing at some convenient point
4 on the Boston and Maine Railroad in Somerville,
5 northerly of that tract of land lately occupied for the
6 Middlesex Canal, and southerly of the point where
7 the Grand Junction Railroad unites with the Boston
8 and Maine; thence by a curve till it reaches the Mal-
9 den road in Charlestown; thence crossing said road to
10 the land or flats of George W. Gerrish and others;
11 thence across the same and that tract of flats which the
12 Mystic River Corporation is authorized to enclose and
13 fill up to the Chelsea Bridge; thence across said bridge
14 and over the flats south-easterly thereof to the end of
15 the structure authorized to be built by the said Mystic
16 River Corporation: *provided*, that all the grants
17 herein contained are on the condition that the Mystic
18 River Corporation, or the corporation hereby created,
19 shall make and maintain all the excavations required
20 by the act incorporating said Mystic River Corpora-
21 tion, being chapter 105 of the acts of 1852; and this
22 corporation shall be entitled to the same notice from
23 the attorney-general as is provided in the 9th section
24 of said act.

1 SECT. 3. The said Mystic River Railroad, if it
2 crosses over Tufts' Mill Pond, and the flats between
3 said mill pond and the land or flats of the said Ger-
4 rish, shall cross the same on piles, and shall, if re-
5 quired by either of the owners thereof, construct,
6 maintain, and properly tend one draw, at least thirty
7 feet in width, at a convenient point, to be determined
8 by a commissioner to be appointed by the governor
9 and council, at the expense of said corporation, with

10 suitable piers, and shall open such draw for the pas-
11 sage of vessels by day and night. And if the said draw
12 shall fail to afford access to all the wharves between
13 said railroad and Main Street in said Charlestown, an
14 additional draw shall be provided and maintained by
15 said corporation; the necessity therefor to be decided
16 by said commissioner.

1 SECT. 4. Said corporation, if it passes between
2 Tufts' Mill Pond and Main Street in said Charlestown,
3 shall not take or use a strip of land exceeding twenty-
4 five feet in width, from any estate between the said
5 Malden road and the south-easterly line of Johnson's
6 wharf.

1 SECT. 5. The whole capital stock of said corpora-
2 tion shall consist of not more than two thousand
3 shares; and the number of shares to be issued from
4 time to time shall be determined by the directors; and
5 no assessments shall be laid thereon of a greater
6 amount, in the whole, than one hundred dollars on
7 each share, and no stock shall be issued at less than
8 its par value.

1 SECT. 6. The location of said railroad shall be filed
2 within two years, and the same shall be completed
3 within three years from the passage of this act.

1 SECT. 7. This act shall not go into effect until all
2 the capital stock named in the charter shall have been
3 subscribed for by responsible parties, and twenty per
4 cent. paid into the treasury of the company.

1 SECT. 8. This corporation is hereby authorized to

2 connect its tracks with those of the Boston and Maine
3 Railroad in Somerville, and enter upon and use that
4 railroad according to law; and the Boston and Maine
5 Railroad may, in like manner, enter upon and use the
6 Mystic River Railroad. And in case the Eastern Rail-
7 road Corporation shall locate its line near the Boston
8 and Maine, and rise more rapidly than that railroad,
9 this corporation shall raise its track to conform to
10 that of the Eastern Railroad near the point of junc-
11 tion.

SENATE, May 4, 1853.

Passed to be engrossed.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

