

# HOUSE....No. 53.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Feb. 6, 1855.

The Joint Standing Committee on Mercantile Affairs and Insurance, to whom was referred the Petition of the Boston Wharf Company, have considered the same, and submit the subjoined

### REPORT :

The petition is for leave to extend the petitioners' wharf, in South Boston, to the Commissioners' line. It appears that there has heretofore been a question as to the extent to which wharves should be built in South Boston ; but this was settled in 1853, when the legislature passed a law fixing the bounds beyond which structures should not be built. This is according to the established laws in regard to the whole harbor of Boston ; for Commissioners' lines have now been fixed by law in every part of the harbor, and the legislature has always allowed the shore-owners to extend to these lines, and no farther.

Your committee can perceive no reason why the usual course should not be followed in this case, and the same privileges be granted to these petitioners which have been granted to the owners of wharves in Cambridge, Charlestown, Chelsea, Boston

and East Boston. Your committee has investigated the case to see if this extension would injure the harbor, and they are satisfied that it would do a great good, rather than harm, to the harbor. The explicit opinion of the Harbor Master of Boston, who is a gentleman of long experience, is of great value on this point, and fully indorses the decision of the Commissioners whose lines have been adopted by the legislature.

It will be noticed that the accompanying bill provides that the company shall pay their proportion of the expense of excavating Fore Point Channel. Some of the wharf owners who have wharves on the Boston side of this channel appeared before the committee, and asked that the petitioners should be required to pay the whole expense of excavating the whole of the channel; but, as it appeared that these very owners had the right given to them, in 1850, of extending their wharves on condition of making these excavations themselves, and as it also appeared that their wharves are by far the most valuable, we thought justice to all parties required the petitioners to pay their fair proportion of the expense, and no more.

It will be noticed that the bill reported provides that it shall not affect the legal rights of any other persons, and also provides that the wharf shall be maintained in the mode provided by law. This last proviso makes it requisite to build the extended wharf on piles, as that is the mode provided by law for building the northerly end of the wharves in this part of the harbor.

In view of the foregoing facts, your committee report the accompanying Bill, believing that it provides for a valuable public improvement in South Boston, and a permanent benefit to the harbor.

For the Committee,

JOSEPH P. JOHNSON.

## Commonwealth of Massachusetts.

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

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### AN ACT

Concerning the Boston Wharf 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. The Boston Wharf Company are author-  
2 ized to extend their wharf in South Boston to the  
3 Commisioners' line B, established by an act entitled  
4 "An Act concerning the Harbor of Boston," approved  
5 May 25, 1853, and to maintain the same in the mode  
6 prescribed by law, within the following bounds and  
7 limits; viz., westerly on the Commissioners' line on  
8 Fore Point Channel; northerly on said line B, thir-  
9 teen hundred feet; easterly by a line parallel to the  
10 Commissioners' line on Fore Point Channel, and con-  
11 tinued south-westerly from said line B towards the  
12 shore until it meets with the legal property of said  
13 company or the legal line of private rights. Said

14 company are authorized to lay vessels at the westerly  
15 side, and at the end of their wharf, and to receive  
16 dockage and wharfage therefor. This act shall take  
17 effect from and after its passage, but shall not impair  
18 the legal rights of any person or corporation.

1     SECT. 2. The Boston Wharf Company shall pay  
2 their proportion of the expenses of making the exca-  
3 vations set forth in the fifth section of the two hun-  
4 dred and fifty-fourth chapter of the acts of the year  
5 eighteen hundred and fifty, said proportion to be  
6 assessed by the commissioner appointed under said  
7 act.

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[To be substituted for section 1.]

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1    SECT. 1. The Boston Wharf Company are author-  
2 ized to extend their wharf in South Boston to the  
3 Commissioners' Line B, established by an act entitled  
4 "An Act concerning the Harbor of Boston," approved  
5 May 25, 1853, and to maintain the same, in the  
6 mode prescribed by law, within the following bounds  
7 and limits; viz., beginning on the line one hundred  
8 rods from high-water mark at a point thirteen hun-  
9 dred feet from the Commissioners' Line on Fore Point  
10 Channel, thence running north-westerly to the Com-  
11 missioners' Line on Fore Point Channel, thence run-  
12 ning north-easterly on said Commissioners' Line to  
13 the aforesaid Commissioners' Line B, thence running  
14 south-easterly on said Line B thirteen hundred feet,  
15 thence south-westerly to the first-named point on the  
16 line, one hundred rods from high-water mark. Said  
17 Company are authorized to lay vessels at the westerly  
18 side, and at the end of their wharf, and to receive  
19 dockage and wharfage therefor. This act shall take  
20 effect from and after its passage, but shall not impair  
21 the legal rights of any person or corporation: *pro-*  
22 *vided, also,* that this act shall be void until accepted  
23 by the Company above named, and that, by accepting  
24 this act, said Company shall waive all claims to any  
25 flats or territory whatever granted to them by the last  
26 legislature, and not included in the lines herein  
27 described.

1     SECT. 3. This act shall not convey any lands or  
2 flats which would not be included between the legal  
3 side lines of the flats which were originally purchased  
4 by and conveyed to said Company, if said lines were  
5 continued to said line B in the same direction in  
6 which the Supreme Judicial Court may decide that  
7 said legal side lines did run from First Street before  
8 said Company received any grant of flats from the  
9 legislature.

1     SECT. 4. The Attorney-General is hereby author-  
2 ized and required, within sixty days from the passage of  
3 this act, to commence, in the Supreme Judicial Court  
4 for the county of Suffolk, a petition in the nature of  
5 an information *quo warranto*, which shall be summa-  
6 rily heard and tried by said court, and upon which  
7 shall be decided the nature and extent of the corpo-  
8 rate privileges and the true boundaries of the flats  
9 beyond the line of private rights which vest in said  
10 Company by virtue of the present and of previous  
11 acts. And the decision upon said petition shall be  
12 final and conclusive between the Commonwealth and  
13 said Company, but shall not in any manner prejudice  
14 or affect the rights of other persons or the title to any  
15 flats which are within the line of private rights.  
16 Such notice shall be given to the public and to the par-  
17 ties interested as the Supreme Court shall direct ; and  
18 all parties claiming an interest in the premises shall  
19 be heard by said court.