

HOUSE....No. 171.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 18, 1857.

The Committee on Railways and Canals, to whom was referred the Petition of the Broadway Railroad Company, for an amendment to their Charter, have considered the same, and report the accompanying Bill.

For the Committee,

DAVID THAYER.

Commonwealth of Massachusetts.

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

AN ACT

Concerning the Broadway 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. The first section of the four hundred
2 and forty-fourth chapter of the acts of the year
3 eighteen hundred and fifty-four, is so far amended
4 that the said Broadway Railroad Company shall have
5 the power to construct, maintain and use a railway or
6 railways to be operated by horse-power only, and with
7 convenient single or double tracks, from such points
8 at South Boston Point, so called, in the city of
9 Boston, upon and over such streets, highways and
10 bridges within the limits of said city of Boston, and

11 to such terminus within said city as may, from time to
12 time, be fixed and determined by vote of the board of
13 aldermen thereof, and assented to in writing by the
14 said railroad corporation, excepting in Dorchester
15 Avenue, Federal Street and Broad Street; but said
16 company shall have the right to build a single track
17 in these said streets also, whenever the board of alder-
18 men of said city shall allow a double track in said
19 streets. And the said company shall have the right
20 to use and run over with their cars and horses, the
21 tracks now laid or which may hereafter be laid by the
22 Dorchester Avenue Railroad Company within the
23 city of Boston, excepting that part of the track of
24 the Dorchester Avenue Railroad Company now laid
25 south of Fourth Street, paying to the Dorchester
26 Avenue Railroad Company a reasonable amount for
27 the use thereof; such amount, in case of dispute, to
28 be ascertained and determined, from time to time, by
29 commissioners appointed by the supreme judicial
30 court.

1 SECT. 2. And for the purposes of conveying pas-
2 sengers to and from South Boston, the Broadway
3 Railroad Company may connect with the road of any
4 other company besides the Dorchester Avenue Rail-
5 road Company, with which the board of aldermen of
6 the city of Boston may authorize it to connect. And
7 in case any such connection shall be made, and the
8 Broadway Railroad company shall be unable to agree
9 with the company owning the road connected with, as
10 to the mode of connection, and the manner, time and
11 extent of use of the last named road by the Broadway
12 Railroad Company, and the compensation to be paid

13 by the Broadway Railroad Company for such use,
14 then the supreme judicial court, upon the petition of
15 either party, and upon notice to the other party, shall
16 appoint three commissioners who shall, upon due
17 notice to the parties interested, proceed and determine
18 all matters relating to such connection and use, and
19 the compensation to be paid therefor, not agreed upon
20 by said corporations; and in regulating such con-
21 nection and use, the commissioners shall have refer-
22 ence to the the interests of said corporations and of
23 the public accommodated by said roads. And the
24 award of said commissioners, or a major part of them,
25 shall be binding upon the respective corporations
26 interested therein, until the same shall have been
27 revised or altered by commissioners to be appointed
28 by the said court upon application, and in manner
29 aforesaid; but no such revision or alteration shall be
30 made by any commissioners to be appointed as afore-
31 said, within one year after such decision and award
32 shall have been made, unless said court shall be of
33 opinion that such a revision may be sooner required
34 or advisable.

1 SECT. 3. The compensation of said commission-
2 ers for their services and expenses shall be paid by
3 the respective corporations interested therein, in equal
4 proportions.

1 SECT. 4. The said Broadway Railroad Company
2 shall have the right, with the consent of three-
3 quarters of the stockholders, in number and value, at
4 all times, to purchase of, or to sell to, any other company
5 chartered for a similar purpose, all or any part of the

6 tracks which may be hereafter laid by it or any other
7 such company, under the provisions of their charters ;
8 and such purchase or sale shall transfer all the corpo-
9 rate rights and rights of location which may pertain
10 to the tracks so purchased or sold.

1 SECT. 5. This act shall be void unless the same
2 shall be accepted by the city council of Boston.

1 SECT. 6. This act shall take effect from and after
2 its passage.

