

HOUSE...No. 202.

[Substituted for Report leave to withdraw.]

Commonwealth of Massachusetts.

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

AN ACT

To incorporate the Suffolk 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. That George H. Plummer, Ebenezer
- 2 Atkins, Edward F. Porter, David L. Webster, Asa
- 3 Fisk, John G. Webster, and their associates and suc-

cessors, are hereby made a corporation by the name of the Suffolk Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double track, commencing at some point or points at or near Faneuil Hall Square, the Old State House, on State Street, or Scollay's Buildings, on Court and Tremont Streets, or such other central point or points in the city of Boston as shall be fixed by the mayor and aldermen of said city, with the assent of said corporation, expressed in writing and filed with said mayor and aldermen; thence upon and over such streets and highways of said city, as shall, from time to time, be fixed and determined by said mayor and aldermen, with the written assent of said corporation filed as aforesaid, to some points at or near the western terminus of the Chelsea and each of the East Boston Ferries, and again commencing at or near the eastern terminus of each of the East Boston Ferries, thence upon and over Lewis, Border, Summer, Meridian and Chelsea Streets, or either of said streets, or such other streets and highways in East Boston as shall, from time to time, be fixed and determined by the mayor and aldermen of said city, with the written assent of said corporation, filed with said mayor and aldermen.

SECT. 2. All tracks of said railroad shall be laid at such distances from the sidewalks in said city as the mayor and aldermen, in their orders fixing the route of said railroad may determine; and said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient, and shall have

8 all the powers and privileges, and be subject to all
9 the duties, liabilities and restrictions, set forth in the
10 forty-fourth chapter of the Revised Statutes.

11 Notice to abutters on streets in which it may be
12 proposed to lay the tracks of said corporation, shall be
13 given by publication in one or more newspapers pub-
14 lished in said city of Boston, of an order of notice
15 from the mayor and aldermen of said city, fourteen
16 days at least, before the location of any such tracks.

1 SECT. 3. Said tracks or roads shall be operated
2 and used by said corporation with horse-power only.
3 The mayor and aldermen of said city shall have
4 power at all times to make all such regulations as to
5 rate of speed and mode of use of said tracks, as the
6 public convenience and safety require.

1 SECT. 4. Said corporation shall maintain and keep
2 in repair such portion of the streets as shall be occu-
3 pied by their tracks, and shall be liable for any loss
4 or injury that any person may sustain by reason of
5 any carelessness, neglect or misconduct of any of its
6 agents or servants in the management, construction,
7 or use of said track; and in case recovery shall be
8 had against said city by reason of any such defect or
9 want of repair, said corporation shall be liable to pay
10 to said city any sums thus recovered against them,
11 together with all costs and reasonable expenses in-
12 curred by said city in the defence of any such suit or
13 suits in which recovery may be had, and said corpora-
14 tion shall not encumber any portion of the streets not
15 occupied by said road or tracks.

1 SECT. 5. If any person shall wilfully or maliciously

2 obstruct said corporation in the use of said road or
3 tracks, or the passing of the cars or carriages of said
4 corporation thereon, such person, and all who shall be
5 aiding or abetting therein, shall be punished by a fine
6 not exceeding five hundred dollars, or may be im-
7 prisoned in the common jail for a period not exceed-
8 ing three months.

1 SECT. 6. If said corporation, or its agents or
2 servants shall wilfully or maliciously obstruct any
3 highway, or the passing of any carriages over the
4 same, such corporation shall be punished by a fine
5 not exceeding five hundred dollars.

1 SECT. 7. The capital stock of said corporation
2 shall not exceed three hundred thousand dollars, to
3 be divided into shares of one hundred dollars each.
4 And no shares shall be issued for a less sum, to be
5 actually paid in on each, than the par value of the
6 shares which shall first be issued, without the written
7 consent of each of the stockholders of said corpora-
8 tion.

1 SECT. 8. Such corporation shall have power to
2 purchase and hold such franchises, personal estate and
3 real estate, as may be convenient or necessary, for the
4 purposes of the transportation of passengers and
5 freight between said termini, and for the management
6 of said road.

1 SECT. 9. The said road shall be constructed and
2 maintained in such form and manner, and upon such
3 grade as the mayor and aldermen of said city may, in
4 their votes fixing and determining the routes thereof,

5 as aforesaid, prescribe and direct; and whenever, in
6 the judgment of said railroad corporation, it shall be
7 necessary to alter the grade of any street so occupied
8 by it, such alteration may be made at the sole expense
9 of said corporation, provided the same shall be
10 assented to by the mayor and aldermen of said city.

1 SECT. 10. Nothing in this act shall be construed
2 to prevent the city authorities from entering upon
3 and taking up any of the public streets or bridges
4 traversed by said railroad, for the purposes for which
5 they may now lawfully take up the same.

1 SECT. 11. This act shall be void so far as it relates
2 to the right to construct said roads, unless the same
3 shall be accepted by the mayor and aldermen of said
4 city, and also by the said corporation, and unless ten
5 per centum of the capital stock thereof be paid in
6 within two years after the mayor and aldermen afore-
7 said shall fix and determine the route of said road.

1 SECT. 12. Said corporation shall be deemed a
2 railroad corporation so far as to be subject to make
3 such annual returns to the legislature as are or may
4 be prescribed by law, and also so far as to be subject
5 to all existing provisions of law for the assessment
6 and payment of damages for the land outside of the
7 streets taken by them for their track, but not to the
8 other provisions of law in relation to railroad corpo-
9 rations.

1 SECT. 13. The supreme judicial court shall have
2 full equity powers in all matters relating to this
3 corporation.

