

SENATE....No. 139.

[Mr. MARSH proposes to substitute the following for Senate No. 125.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-
Nine.

AN ACT

Authorizing the purchase of the Property of the East
Boston Ferry Company, and for other purposes.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :—*

1 SECT. 1. The city council of the city of Boston,
2 for the purpose of improving private property, and
3 of protecting the same and the travel and busi-
4 ness between the mainland in said city and East
5 Boston from the disabilities and burdens of the ferry

6 communications heretofore existing between said
7 parts of the city, and of furnishing additional
8 facilities to said travel and business, are hereby
9 authorized to purchase the boats and so much of the
10 other property, including the franchise, of the East
11 Boston Ferry Company, as they shall think expedient,
12 at such price as may be agreed upon between them
13 and the said ferry company, with the approval of the
14 mayor of said city, and to ordain and establish the
15 present or such other lines of ferry travel as they may
16 see fit between the said parts of said city, and to
17 cause the said ferry to be maintained thereon in such
18 manner and upon such rates of ferriage as the board
19 of aldermen of said city shall from time to time judge
20 the best interests of the said city to require, excepting
21 only as hereinafter provided.

1 SECT. 2. Upon the completion of said purchase,
2 the said city council shall consider and determine
3 whether the interests of said city will be best pro-
4 moted by maintaining said ferry thereafter free of
5 tolls, and in case they shall decide the same in the
6 affirmative, then the said city shall maintain and
7 operate, or cause to be maintained and operated, the
8 said ferry thereafter free of all tolls, and with facili-
9 ties for travel not less than those now furnished by
10 said company, or those which now are or hereafter
11 may be by law required.

12 And in such case the said board of aldermen shall
13 adjudge and determine whether the territory of that
14 part of the said city called East Boston and Breed's

15 Island, or any and what part thereof will receive
16 any benefit and advantage therefrom beyond that
17 general advantage which will be received therefrom
18 by other portions of said city, and what portion of
19 the cost of such purchase shall be borne by the
20 city, and what portion by the owners of real estate
21 in said East Boston and Breed's Island, or the por-
22 tion thereof so adjudged to be benefited, by reason
23 of said benefit. A notice of such determination shall
24 be published for two weeks successively in some one
25 newspaper published in this city.

1 SECT. 3. Any person aggrieved by the determi-
2 nation of said board, either as to the benefit received
3 or as to the division of the expense between the city
4 and the owners of real estate as aforesaid, may at any
5 time within two months after the first publication of
6 the notice aforesaid, apply for a jury. Such appli-
7 cation shall be made in like manner, and the proceed-
8 ings thereon shall be the same as in the case of lay-
9 ing out and discontinuing highways in the said city :
10 *provided*, that before making his application the party
11 shall give one month's notice in writing to said board of
12 aldermen of his intention so to apply, and shall there-
13 in particularly specify his objections to the determi-
14 nation of said board as to the benefit received, and the
15 proposed division of expense, to which specification
16 he shall be confined upon the hearing before the jury ;
17 and *provided, also*, that if the superior court within
18 and for the county of Suffolk shall not be in session
19 at any term thereof at the time of such application,

20 the filing of his petition in the office of the clerk of
21 said court shall be deemed an application for the pur-
22 poses of this act. If upon the hearing, the objections
23 to said determination are not sustained, the charges
24 arising on such application shall be paid by the ap-
25 plicant or person recognizing therefor, otherwise they
26 shall be paid by the city, and the board of aldermen
27 may, if necessary, determine anew the benefit and
28 division of expense aforesaid, or either of them, and
29 may make such abatements as they may judge expe-
30 dient. Any person who neglects to make application
31 for a jury as herein provided, shall be concluded in all
32 respects under this act by said determination of said
33 board of aldermen, and shall not be entitled by any
34 process, either at law or in equity, to prevent the said
35 assessment or to recover the amount of any assessment
36 collected of him.

1 SECT. 4. After two months from the final deter-
2 mination of said board of aldermen as to the division
3 of the expense of such purchase and the territory
4 benefited thereby as aforesaid, the said board of al-
5 dermen shall cause to be certified to the assessors of
6 said city the portion of the cost of said purchase
7 which is to be borne by the owners of real estate
8 within said territory to be benefited, which shall be
9 by said assessors equitably and ratably assessed upon
10 the said owners of real estate in said district ad-
11 judged to be benefited, and shall constitute a lien
12 upon said real estate, and shall be collected and en-
13 forced with like charges for costs and interest, and in

14 the same manner and with the same powers in all
15 respects as are provided by law for the collection of
16 taxes on real estate: *provided*, that the said board
17 may, if they shall judge the public interest to require
18 it, apportion the said amount to be assessed as afore-
19 said into not exceeding five equal parts, which appor-
20 tionment shall be also certified to the said assessors,
21 who shall add one of said equal parts yearly to the
22 annual tax of said estates adjudged to be benefited
23 as aforesaid, but pursuant to the original assessment
24 made as aforesaid.

1 SECT. 5. If the said city council, upon the com-
2 pletion of said purchase, shall adjudge and deter-
3 mine, that instead of maintaining said ferry free of
4 all tolls, it is for the best interests of said city that
5 the said ferry shall be thereafter operated with more
6 boats and greater facilities for travel and business
7 than are now furnished by said company, and at one
8 cent ferriage for a foot-passenger, instead of two
9 cents as heretofore charged, and with the other rates
10 of ferriage thereon so reduced that the receipts of
11 said ferry annually shall not exceed the cost of oper-
12 ating the same, instead of paying, as provided by the
13 charter of said company, at least eight per cent.
14 annual dividends, then and in such case the said city
15 shall thereafter maintain and operate, or cause to be
16 maintained and operated, the said ferry, with such
17 greater accommodations and at such reduced rates of
18 ferriage as aforesaid, or with such other and still
19 greater accommodations and at such more reduced

20 rates of ferriage as the said board of aldermen may
21 from time to time judge expedient for the purposes
22 mentioned in the first section of this act. And the
23 said board of aldermen, having first adjudged and
24 determined the territory, if any, that shall be thereby
25 specially benefited as aforesaid, may also adjudge and
26 apportion, not exceeding one-half part of the cost of
27 such purchase, to be assessed upon the said estates
28 adjudged to be benefited as aforesaid, in the same
29 manner, and with the same powers and liabilities in
30 all respects as are herein before provided respecting
31 such assessment.

1 SECT. 6. If the said city council, instead of ad-
2 judging to maintain said ferry free of all tolls, as pro-
3 vided in section two of this act, shall adjudge and
4 determine that it is for the best interests of said city
5 that the said ferry shall be maintained free of all tolls
6 for a term of not less than ten years next succeeding
7 said purchase, and thereafter upon such rates of fer-
8 riage as may then be adjudged by said city, then and
9 in such case the said city shall maintain and operate,
10 or cause to be maintained and operated, the said ferry,
11 for and during a term of not less than ten years next
12 succeeding said purchase, free of all tolls, but in all
13 other respects as provided by section five of this act,
14 and may thereupon apportion, not exceeding one-half
15 part of the cost of such purchase, upon the said
16 estates benefited, with the same powers and under
17 the same limitations as herein before provided
18 respecting such assessment.

1 SECT. 7. The said board of aldermen shall have
2 power at all times, notwithstanding any of the pro-
3 visions of this act or anything done by said city in
4 pursuance thereof, to levy and collect such rates of
5 ferriage as they shall judge expedient, for and upon
6 all teams and vehicles passing over said ferry to or
7 from any place beyond the limits of said city.

1 SECT. 8. Chapter three hundred and fifty-two of
2 the acts of eighteen hundred and sixty-eight is hereby
3 repealed.

1 SECT. 9. This act shall take effect upon its pas-
2 sage.

