

HOUSE....No. 130.

Commonwealth of Massachusetts.

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

AN ACT

To Establish the Fort Hill Corporation.

*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. Ralph Huntington, William Wright,
2 William H. Sanford, their associates and successors,
3 be, and they are hereby constituted a body corporate,
4 by the name of the Fort Hill Corporation, with all
5 the powers and privileges, and subject to all the du-
6 ties, restrictions, and liabilities contained in the forty-
7 fourth chapter of the Revised Statutes.

1 SECT. 2. Said corporation shall have power to
2 purchase, hold, and possess, in fee simple, or other-
3 wise, any part, or all the land, with the building and
4 other improvements thereon standing, situate in that
5 part of Boston known as Fort Hill, and lying east-
6 erly of the estates fronting on Pearl Street, between
7 Broad and Milk Streets; southerly of the estates
8 fronting on Milk Street, between Pearl and Bat-
9 terymarch Streets, southerly and westerly of Bat-
10 terymarch Street; southerly of the estates fronting
11 on Broad Street, between Battery-march and Pur-
12 chase Streets, and westerly and northerly of that part
13 of Broad Street, between said Purchase Street and its
14 intersection with said Pearl Street; and said corpora-
15 tion shall have power to grant, sell, and convey, in
16 fee simple, or otherwise, the said corporate property,
17 or any part thereof, and to lease, mortgage, improve,
18 or otherwise manage the same in such manner as
19 may be deemed most for the interest of said corpora-
20 tion, and by such forms of conveyance, and contract,
21 as the by-laws of the company shall provide; and
22 said corporation may hold personal property, not to
23 exceed in amount five hundred thousand dollars, and
24 its whole capital stock shall not exceed three millions
25 of dollars.

1 SECT. 3. The stock and property of said corpora-
2 tion shall be divided into shares not exceeding thirty
3 thousand in number, certificates of which shall be
4 issued under the seal of the corporation, and signed
5 by the president and treasurer thereof, and said shares
6 may be transferred by assignment on the back of the
7 certificate, and be recorded by the clerk of said cor-
8 poration in a book kept for that purpose.

1 SECT. 4. The business affairs of said corporation
2 shall be conducted by a board of not more than nine,
3 nor less than five directors, to be chosen annually, by
4 ballot. Each (A) member being entitled to as many
5 votes as he may hold shares in the corporation ; and a
6 majority of the directors so chosen, shall be necessary
7 to form a quorum for the transaction of business.

1 SECT. 5. The said directors may make such equal
2 assessments, from time to time, as they may deem ex-
3 pedient and necessary for the objects of the corpora-
4 tion ; and may direct the same to be paid to the
5 treasurer thereof : and if any proprietor shall neglect
6 or refuse to pay any assessment for the space of thirty
7 days from the time the same shall have been due, the
8 directors may order the treasurer to sell said share or
9 shares at public auction, to the highest bidder, after
10 giving due notice thereof, and the same shall be trans-
11 ferred to the purchaser, and the delinquent proprietor
12 shall be holden to pay said corporation the balance, if
13 his share or shares shall sell for less than the amount
14 assessed thereon, with the interest and cost of sale ; and
15 shall be entitled to the overplus, if his share or shares
16 shall sell for more than the assessment due, with the
17 interest and cost of sale : *provided, however*, that no
18 assessment shall be laid on any share in said corpora-
19 tion, of a greater amount in the whole, than one hun-
20 dred dollars on each share.

1 SECT. 6. That said corporation may dig down and
2 lower the grade of said hill in such manner as shall
3 be approved by the mayor and aldermen of Boston,
4 and shall lay out streets of such width and direction

5 as may be prescribed by said mayor and aldermen, at
6 the expense of said corporation, which streets shall be
7 and become public highways, without expense to said
8 city, whenever they shall have been accepted by the
9 mayor and aldermen aforesaid; and said corporation
10 may, with the consent of said mayor and aldermen,
11 discontinue the old streets, and hold the lands within
12 the lines thereof for its own benefit; *provided, how-*
13 *ever,* that nothing contained in this act, shall be so
14 construed as to authorize said corporation to take any
15 lands belonging to any person or corporation, without
16 the consent of the owner or owners thereof, except as
17 follows: and in case any land necessary for the streets
18 herein authorized to be laid out, cannot be acquired
19 and legally conveyed by voluntary agreement, then
20 the same may be taken, and the proprietor thereof
21 shall be entitled to reasonable damage therefor, to be
22 estimated and recovered of said corporation in the
23 manner provided by law for the recovery of damages
24 occasioned by the laying out of highways.

1 SECT. 7. Provided that nothing in this act shall
2 in any way limit, restrain or abridge the right which
3 the city of Boston now have in and to the open space
4 or common on the summit of the said Fort Hill.

1 SECT. 8. This act shall be void and of no effect,
2 unless the same shall be accepted by the city council
3 of Boston, within one year from the date thereof.

HOUSE OF REPRESENTATIVES, March 8, 1854.

Passed to be engrossed.

Sent up for concurrence.

WILLIAM STOWE, *Clerk.*

SENATE, March 27, 1854.

Passed to be engrossed in concurrence, with the following amendments: at A, strike out the words "member being," and insert instead thereof, "shareholders shall be"; also, strike out the 6th, 7th, and 8th sections, and insert the following, as section 6th:—

1 SECT. 6. This act shall become void at the expira-
2 tion of three years from the date thereof, unless the
3 said corporation shall, within that period, have ex-
4 pended a sum not less than one hundred thousand
5 dollars upon the objects herein set forth.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

