

HOUSE No. 1664

Bill accompanying the petition of the Southern New England Railroad Corporation for legislation to enlarge and extend its corporate powers.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To enlarge and extend the Corporate Powers of the Southern New England Railroad 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 SECTION 1. The Southern New England Railroad
2 Corporation is hereby authorized and empowered to lo-
3 cate, relocate, construct, maintain and operate a railroad
4 for public use in the transportation of passengers, freight
5 and express by the use of steam, or other motive power,
6 from some convenient point, or points, in the county of
7 Middlesex, on the dividing line between the common-
8 wealth of Massachusetts and the state of New Hampshire
9 where said dividing line is intersected by the route of a
10 railroad to be constructed by a railroad corporation which
11 may be established under the laws of the state of New
12 Hampshire for the purpose of constructing a railroad

13 from a point on the dividing line between the state of
14 Vermont and the state of New Hampshire to said point,
15 or points, on the dividing line between said common-
16 wealth of Massachusetts and the state of New Hamp-
17 shire. Said railroad may be located and constructed in
18 the towns of Dunstable, Tyngsborough, Westford, Chelms-
19 ford, Tewksbury, Billerica, Carlisle, Wilmington, Bed-
20 ford, Burlington, Lincoln, Lexington, Winchester, Arling-
21 ton, Belmont and Watertown, in said county of Middle-
22 sex, and in the cities of Lowell, Woburn, Medford, Som-
23 erville, Cambridge, Malden, Newton and Everett, in said
24 county of Middlesex, or in any of said cities and towns,
25 and in the town of Brookline, in the county of Norfolk,
26 and in the town of Revere, and the cities of Chelsea and
27 Boston, in the county of Suffolk, or in any of said cities
28 and towns.

1 SECTION 2. For the purposes of this act the Southern
2 New England Railroad Corporation is hereby authorized
3 to enter with its passenger, baggage, mail and express
4 trains, the passenger terminal station of the Boston and
5 Maine Railroad in said Boston, and to use the same for
6 the purpose of receiving and discharging passengers, bag-
7 gage, mail and express; and for the purpose of getting its
8 trains into and out of said station may enter with its
9 railroad upon and connect with the railroad of said Boston
10 and Maine Railroad and use such part thereof as may be
11 reasonably necessary, the point, or points, of connection,
12 the extent and terms of the use as aforesaid of said rail-
13 road and station, and the compensation to be paid there-
14 for to be determined by the railroad commissioners of
15 Massachusetts upon petition, after notice and a hearing,
16 in the event that the said railroad corporations shall not
17 be able to agree upon the same.

1 SECTION 3. Said Southern New England Railroad
2 Corporation may connect with and use the railroad of the
3 Grand Junction Railroad and Depot Company, the rail-
4 road of the Union Freight Railroad Company and the
5 railroad of the East Boston Marginal Freight Railroad
6 Company, at such point, or points, and upon such terms
7 as to use and compensation for the same as the parties
8 may agree upon; such point, or points, of connection and
9 such terms as to use and compensation, in the event of
10 failure of the parties to agree upon the same, to be deter-
11 mined by the railroad commissioners of Massachusetts
12 upon petition, after notice and a hearing.

1 SECTION 4. Said corporation is hereby authorized and
2 empowered to locate, relocate, construct, maintain and
3 operate an extension of its railroad for public use in the
4 transportation of passengers and freight from a point in
5 the town of Douglas, in the county of Worcester, in and
6 through the towns of Douglas, Uxbridge, Northbridge,
7 Sutton, Oxford, Grafton, Millbury and Auburn, in said
8 county, or in any of said towns, to and into the city of
9 Worcester, in said county.

1 SECTION 5. Said corporation is also authorized and em-
2 powered to locate, relocate, construct, maintain and oper-
3 ate a railroad for public use in the transportation of pas-
4 sengers and freight from a convenient point on the rail-
5 road of said corporation in the town of Blackstone, in the
6 county of Worcester, through said town of Blackstone and
7 the towns of Wrentham, Bellingham, Franklin, Medway,
8 Norfolk, Millis, Medfield, Walpole, Sharon, Norwood,
9 Westwood, Canton, Needham, Dover, Dedham, Milton
10 and Brookline, in the county of Norfolk, or through any
11 of said towns, to and into the city of Boston, in the county
12 of Suffolk.

1 SECTION 6. Said corporation shall have and enjoy the
2 right of eminent domain and for the purposes of this
3 statute is authorized to lay out the railroad and exten-
4 sions herein authorized at least five rods in width
5 throughout the entire length thereof, and for the pur-
6 pose of cuttings, embankments, and for procuring stone
7 and gravel, and for obtaining land for stations, car
8 houses, round houses, freight houses, yards, docks,
9 wharfs, elevators and other structures may purchase or
10 otherwise take as much more land as may in the judg-
11 ment of the directors be reasonably necessary for the
12 proper construction and security, and the convenient
13 operation, of its railroad. Said corporation shall pay
14 all damages caused by laying out, making and maintain-
15 ing its railroad, or by taking land or materials therefor,
16 and said damages shall be estimated and determined,
17 security therefor given and payment thereof made, in
18 accordance with the provisions in that behalf made and
19 provided contained in Part II of chapter four hundred
20 and sixty-three of the acts of the year nineteen hundred
21 and six, and acts in amendment thereof.

1 SECTION 7. The directors of said corporation shall
2 fix and determine the route and location of the railroad
3 and extensions herein authorized, and when said directors
4 shall have determined the route and location of such rail-
5 road or extension in any case, they shall file with the
6 county commissioners in each county through which such
7 railroad or extension passes, the location thereof as laid
8 out, defining the courses, distances and boundaries of
9 such portion of said railroad or extension as lies within
10 each county, certified by the clerk of the board of rail-
11 road commissioners, in such form and with such other par-
12 ticulars as may be required by the rules of said board

13 relative to location maps and descriptions of railroads.
14 Said corporation shall also file with the board of rail-
15 road commissioners, within ten days of the time of filing
16 such locations with the county commissioners, duplicates
17 thereof in the office of the railroad commissioners. The
18 filing of such location with the county commissioners of
19 the several counties shall constitute a taking of the land
20 and interests in land and other property described therein
21 for the purposes of the corporation, and until such loca-
22 tion has been filed with the county commissioners of the
23 several counties in which such railroad or extension is
24 laid out, the corporation shall not enter upon or use any
25 land or other property except for making surveys.

1 SECTION 8. After said railroad corporation has taken
2 land or other property in the manner hereinbefore
3 authorized, it shall before constructing its railroad fur-
4 nish a plan of the land or other property so taken to the
5 owner thereof, and upon request of the owner, or occu-
6 pant, shall fence it, and, upon demand made by the
7 owner of such other property within three years after the
8 taking thereof, shall within thirty days furnish him with
8 a plan or description thereof in writing.

1 SECTION 9. The manner in which said railroad and
2 extensions shall cross the highways and other ways with-
3 in each county shall be determined by the county com-
4 missioners thereof in the manner provided in Part II of
5 chapter four hundred and sixty-three, of the acts of the
6 year nineteen hundred and six, and acts in amendment
7 thereof, and all the provisions of said statute relative to
8 the construction of railroads over public ways and other
9 railroads are made a part of this act as fully as if the
10 same were set out in detail herein.

1 SECTION 10. The capital stock of said corporation
2 may be increased to ten million dollars, and may be fur-
3 ther increased, or diminished, from time to time as the
4 purposes of the corporation may require. And for the
5 purpose of meeting and paying the expense of con-
6 structing and equipping the railroad and extensions here-
7 in authorized, or any of them, said corporation may issue
8 such amounts of stock and bonds, coupon notes and other
9 evidences of indebtedness payable at periods of more
10 than twelve months after the date thereof, as the board
11 of railroad commissioners, proceeding in the manner pro-
12 vided in section sixty-five of Part II, chapter four hun-
13 dred and sixty-three of the acts of nineteen hundred and
14 six, may from time to time determine to be reasonably
15 necessary for the lawful purposes of the corporation for
16 which such issue of stock or bonds may have been author-
17 ized. And said corporation is hereby expressly author-
18 ized, subject to the supervision of the railroad commis-
19 sioners hereinbefore provided for, to issue bonds, coupon
20 notes and other evidences of indebtedness payable at
21 periods of more than twelve months after the date thereof,
22 to an amount which, including the amount of all such
23 securities previously issued and outstanding shall equal,
24 but not exceed, twice the amount of its capital stock at
25 the time actually paid in.

1 SECTION 11. The authority herein granted shall
2 lapse and become void as to any railroad or extension
3 herein authorized that is not located within five years, and
4 constructed and put in operation within ten years from
5 the passage of this act.

1 SECTION 12. Said Southern New England Railroad
2 Corporation is hereby authorized and empowered to ac-

3 quire, hold, vote, sell and negotiate the stock and
4 securities of terminal companies or of any railroad or
5 transportation company or corporation now or hereafter
6 organized under the laws of this or any other state or
7 country; also to guarantee the payment of the bonds of
8 any railroad or transportation company or corporation in
9 which it owns, holds or controls a substantial interest as
10 stockholder, or otherwise, now or hereafter organized
11 under the laws of this or any other state or country.
12 Said corporation is also hereby authorized and em-
13 powered to acquire, hold, maintain and operate ferries,
14 ferry boats, steamships, steamship lines and docks.

1 SECTION 13. Said Southern New England Railroad
2 Corporation is hereby authorized to unite and consoli-
3 date with the Southern New England Railway Company,
4 established under the laws of the state of Rhode Island,
5 and with a railroad corporation which may be established
6 under the laws of the state of New Hampshire for the
7 purpose of constructing a railroad from a point on the
8 boundary line between the states of Vermont and New
9 Hampshire to a point, or points, on the boundary line
10 between the state of New Hampshire and the common-
11 wealth of Massachusetts, or with either of said corpora-
12 tions, and the corporations after such union or consolida-
13 tion shall constitute one corporation, the stockholders of
14 the corporations so uniting becoming stockholders in the
15 other corporation or corporations. All franchises, prop-
16 erty, powers and privileges granted to, or acquired by,
17 either of said constituent corporations under the
18 authority of the state of Rhode Island, or the state of
19 New Hampshire, of this commonwealth, shall be held and
20 enjoyed by the stockholders of said united corporations
21 in proportion to the number of shares, or the extent of

22 property or interest, held by them respectively in either
23 or all of said constituent corporations.

1 SECTION 14. This act shall take effect upon its
2 passage.