

SENATE....No. 382.

Commonwealth of Massachusetts.

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

AN ACT

To establish a Board of Railroad Commissioners.

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 governor, with the advice and con-
2 sent of the council, shall, before the first day of
3 July next, appoint three competent persons, who
4 shall constitute a board of railroad commissioners,
5 and who shall hold their offices from the dates of
6 their respective appointments, for the term of one,
7 two and three years respectively, from the first
8 day of July next. The governor shall in like
9 manner, before the first day of July in each year,
10 appoint a commissioner, to continue in office for
11 the term of three years from said day, and in case
12 of any vacancy occurring in the board by resig-

13 nation or otherwise, shall in the same manner ap-
14 point a commissioner for the residue of the term,
15 and may in the same manner remove any commis-
16 sioner.

1 SECT. 2. Said commissioners shall have the
2 general supervision of all railroads in the Com-
3 monwealth, whether operated by steam, horse or
4 other motive power, and shall examine the same,
5 and keep themselves informed as to their condition
6 and the manner in which they are operated, with
7 reference to the security and accommodation of
8 the public, and the compliance of the several rail-
9 road corporations with the provisions of their char-
10 ters and the laws of the Commonwealth.

1 SECT. 3. Whenever, in the judgment of the
2 railroad commissioners, it shall appear that any
3 railroad corporation fails, in any respect or partic-
4 ular, to comply with the terms of its charter or the
5 laws of the Commonwealth, or whenever in their
6 judgment any repairs are necessary upon its road,
7 or any addition to its rolling stock, or any addi-
8 tion to or change of its stations or station-houses,
9 or any change in its rates of fares for transporting
10 freight or passengers, or any change in the mode
11 of operating its road and conducting its business,
12 is reasonable and expedient in order to promote
13 the security, convenience and accommodation of
14 the public, said railroad commissioners shall inform
15 such railroad corporation of the improvements and

16 changes, which they adjudge to be proper, by a
17 notice thereof in writing, to be served by leaving
18 a copy thereof, certified by the commissioners'
19 clerk, with the clerk, treasurer or any director of
20 said corporation ; and a report of the proceedings
21 shall be included in the annual report of the com-
22 missioners to the legislature.

1 SECT. 4. It shall be the duty of said commis-
2 sioners upon the complaint and application of the
3 mayor and aldermen of any city, or the selectmen
4 of any town, to make an examination of the con-
5 dition and operation of any railroad, any part of
6 whose location lies within the limit of such city or
7 town ; and if twenty or more legal voters in any
8 city or town shall, by petition in writing, request
9 the mayor and aldermen of such city, or the select-
10 men of such town, to make the said complaint and
11 application, and the mayor and aldermen, or the
12 selectmen, refuse or decline to comply with the
13 prayer of the petition, they shall state the reason
14 for such non-compliance in writing upon the
15 petition, and return the same to the petitioners ;
16 and the petitioners may thereupon, within ten days
17 from the date of such refusal and return, present
18 said petition to said commissioners ; and said com-
19 missioners shall, if upon due inquiry and hearing
20 of the petitioners they think the public good de-
21 mands the examination, proceed to make it in the
22 same manner as if called upon by the mayor and
23 aldermen of any city, or the selectmen of any town.

24 Before proceeding to make such examination in
25 accordance with such application or petition, said
26 commissioners shall give to the petitioners and
27 the corporation reasonable notice in writing of the
28 time and place of entering upon the same. If upon
29 such examination it shall appear to said commis-
30 sioners that the complaint alleged by the appli-
31 cants or petitioners is well founded, they shall so
32 adjudge, and shall inform the corporation operat-
33 ing such railroad of their adjudication, in the same
34 manner as is provided in the third section of this
35 act.

1 SECT. 5. The powers and duties conferred and
2 imposed upon commissioners appointed by the su-
3 preme judicial court, by sections one hundred and
4 seventeen and one hundred and eighteen of the
5 sixty-third chapter of the General Statutes, and
6 also upon commissioners appointed under section
7 six of chapter two hundred and eighty-four and sec-
8 tion six of chapter three hundred and twenty-one,
9 severally, of the acts of the year eighteen hundred
10 and sixty-seven, and under section one of chapter
11 two hundred and fifty-two, and section thirteen of
12 chapter three hundred and thirteen, severally, of
13 the acts of the year eighteen hundred and sixty-
14 eight, are hereby vested in the commissioners
15 created by this act.

1 SECT. 6. The several railroad corporations oper-
2 ating railroads within the Commonwealth, shall at
3 all times, on demand, furnish said commissioners

4 any information required by them concerning the
5 condition, management and operation of the rail-
6 roads under their direction and control, respective-
7 ly, and particularly with copies of all leases, con-
8 tracts and agreements for transportation, with ex-
9 press companies or otherwise, to which they are
10 parties, and also with the rates for transporting
11 freight and passengers upon their railroads, and
12 upon the railroads with which their railroads re-
13 spectively have connection in business.

1 SECT. 7. Said commissioners shall be provided
2 with an office in the state house, or in some other
3 suitable place in the city of Boston, in which their
4 records shall be kept. In the discharge of the duties
5 of their office, they shall be transported over the
6 several railroads in the Commonwealth, free of
7 charge; they may employ and take with them ex-
8 perts, or other agents, whose services they may
9 deem to be temporarily of importance; they shall
10 have a clerk, to be appointed by the governor, who
11 shall receive a salary of two thousand dollars per
12 annum, payable quarterly out of the treasury of
13 the Commonwealth, and whose duty it shall be
14 to keep a full and faithful record of the proceed-
15 ings of said board of commissioners, and to serve
16 such notices as may be required of him by the
17 commissioners; and they may draw upon the treas-
18 urer of the Commonwealth for a sum not exceed-
19 ing five hundred dollars annually, to be expended
20 by them in procuring necessary books, maps, sta-

21 tistics and stationery, and in defraying expenses
22 incidental and necessary to the discharge of the
23 duties of their office. A statement of such ex-
24 penditures shall accompany their annual report.

1 SECT. 8. The annual salary of said commission-
2 ers shall be four thousand dollars each, payable
3 quarterly from the treasury of the Commonwealth.

1 SECT. 9. The annual expenses of said board of
2 commissioners, including salaries, shall be borne
3 by the several corporations owning or operating
4 the railroads in this Commonwealth in proportion
5 to the income and profits of said corporations, for
6 the year next preceding that in which the assess-
7 ment hereinafter mentioned is made. And the tax
8 commissioner shall, on or before the first day of
9 July in each year, assess upon said corporations
10 their just proportion of such expenses, which shall
11 be collected from said corporations in the same
12 manner as is provided by law for the collection of
13 taxes upon corporations.

1 SECT. 10. The provisions of this act shall be
2 applicable to any railroad operated by trustees,
3 upon whom notices may be served in such manner
4 as the commissioners shall determine.

1 SECT. 11. Said commissioners shall, in the
2 month of January in each year, make a report to

3 the legislature of their doings for the preceding
4 year, containing such facts, statements and expla-
5 nations as will disclose the actual working of the
6 system of railroad transportation in its bearing
7 upon the business and prosperity of the Common-
8 wealth, and such suggestions as to the general
9 railroad policy of the Commonwealth, or as to any
10 part thereof, or as to the condition, affairs or con-
11 duct of any of the railroad corporations of the
12 Commonwealth, as may seem to them appropriate.

1 SECT. 12. Nothing in this act contained shall
2 be construed to affect in any manner or degree the
3 legal duties and obligations of any railroad corpo-
4 ration, or its legal liability for the consequences
5 of its neglect or mismanagement, whether advised
6 or not by said commissioners.

1 SECT. 13. Said commissioners and clerk shall
2 be sworn to the due and faithful performance of
3 the duties of their respective offices before enter-
4 ing upon the discharge of the same; and no per-
5 son in the employ of any railroad corporation, or
6 owning stock in any railroad corporation, shall
7 hold either of said offices.

1 SECT. 14. Upon the occurrence of any accident
2 upon a railroad which shall result in personal injury
3 or loss of life, the corporation operating the road
4 upon which said accident shall occur, shall give

5 immediate notice thereof to the commissioners,
6 whose duty it shall be to investigate the same.

HOUSE OF REPRESENTATIVES, June 2, 1869.

Passed to be engrossed.

Sent up for concurrence.

W. S. ROBINSON, *Clerk.*