

Reimbursement  
for bounties and  
state aid to  
soldiers.

SECTION 9. The town of Attleborough shall pay to the town of North Attleborough a half part of whatever amount may hereafter be refunded to said town of Attleborough, from the Commonwealth or United States, to reimburse it for bounties to soldiers or state aid heretofore paid to the families of soldiers after deducting all reasonable expenses.

Rights of exist-  
ing corporations  
to continue.

SECTION 10. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed.

Subject to  
acceptance by a  
majority of the  
registered  
voters.

SECTION 11. The foregoing provisions of this act shall be void unless accepted by a majority of the registered voters of the present town of Attleborough voting thereon by ballot at meetings legally called for that purpose and held in the respective voting precincts in that town before the first day of November in the present year. Such meetings shall be held in all the said precincts at the same time and shall be called and notified in the same manner as town meetings, and shall not be called or held more than twice for that purpose. The provisions of chapter two hundred and sixty-four of the acts of the year eighteen hundred and eighty-six shall apply to such meetings and to all proceedings at, or in respect of the same, in the like manner as if the voting at such meetings were for the election of officers other than town officers.

*Approved June 14, 1887.*

*Chap. 413* AN ACT TO AUTHORIZE THE WEST END STREET RAILWAY COMPANY AND CERTAIN OTHER STREET RAILWAY COMPANIES TO LEASE AND TO PURCHASE AND HOLD THE PROPERTY, RIGHTS AND FRANCHISES OF EACH OTHER, AND TO UNITE AND CONSOLIDATE WITH EACH OTHER AND CERTAIN OTHER STREET RAILWAY COMPANIES, AND TO LOCATE AND CONSTRUCT TUNNELS, AND TO ESTABLISH AND MAINTAIN THE CABLE AND ELECTRIC SYSTEMS OF MOTIVE POWER, AND FOR OTHER PURPOSES.

*Be it enacted, etc., as follows :*

The West End  
Street Railway  
Company and  
each of the  
other street  
railways in  
Boston may  
unite and con-  
solidate.

SECTION 1. The West End Street Railway Company and each of the other street railway companies now authorized to run cars in or into the city of Boston, and each corporation formed by consolidation as herein provided, may unite and consolidate with any or all said companies, and may purchase and hold the whole or any part of the property, rights and franchises of any or all of the same ; and each of said companies may lease, sell, convey and

assign to said West End Street Railway Company, or to any other of said companies now existing or hereafter formed by consolidation under this act, the whole or any part of its property, rights or franchises, and may unite and consolidate with said West End Street Railway Company, or any corporation formed by consolidation as aforesaid, or with any street railway company now authorized to run cars in or into the city of Boston; but such leases, purchases, sales and consolidations shall be only upon such terms and conditions as shall be agreed upon in the first instance by the directors and then by a majority in interest of the stockholders of each corporation at meetings of the stockholders of each corporation called for that purpose and approved by the board of railroad commissioners: and in every case of purchase by one corporation of the entire property, rights and franchises of another or others as aforesaid, the corporation purchasing shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, franchises, property and estates which, at the time of such purchase, shall be had, held, possessed or enjoyed by the corporation or corporations selling, or either or any of them, and shall be subject to all the duties, restrictions and liabilities to which they, or either or any of them, shall then be subject; and in every case of consolidation as aforesaid the corporations uniting shall constitute a new corporation under such name as shall be agreed upon in the manner and at the meetings aforesaid; but the calling of the first meeting of said new corporation, and the management of its business until the election of officers shall be provided for in its articles of consolidation; and every corporation formed by consolidation as aforesaid shall have, hold, possess, exercise and enjoy all the locations, powers, privileges, rights, franchises, property and estates which, at the time of such union, shall be had, held, possessed or enjoyed by the corporations uniting, or either or any of them, and shall be subject to all the duties, restrictions and liabilities to which they, or either or any of them, shall then be subject, and to all general laws then or thereafter in force relating to street railway companies, except as provided in this act: *provided*, that any street railway company created under this act shall not be permitted to increase the rates of fares to an amount exceeding that charged upon the different routes at the date of the passage of this act.

Terms and conditions to be agreed upon by a majority of the stockholders.

Rates of fare not to be increased.

May issue  
preferred stock  
not exceeding  
\$6,400,000.

SECTION 2. Said West End Street Railway Company and any corporation formed by consolidation with said company, under section one of this act, may, having been first authorized to do so by a vote of a majority in interest of its stockholders at a meeting called for that purpose, issue from time to time its preferred stock to an amount not exceeding six million four hundred thousand dollars at par, with shares of the par value of fifty dollars each; and the holders of such preferred stock shall, in preference and priority over the common and all other stock of the corporation, forever be entitled to semi-annual dividends, to be paid out of the net profits of the corporation, not to exceed, however, eight per centum per annum, which shall be determined at such meeting, which dividends shall be cumulative, but shall not be entitled to participate in any increase or issue of new stock, common or preferred, which may at any time be made by said corporation; and such preferred stock shall have the same power of voting and transfer as said common stock, and shall be counted with said common stock in all questions of majorities and quorums, and may be issued in exchange, share for share or upon such other terms as may be agreed upon, for the stock of the other street railway corporations now, or under the provisions of this act, authorized to run cars in or into the city of Boston, upon the surrender and transfer of said stock of said other street railway corporations by the holders thereof; and all of said stock of said other street railway corporations acquired in exchange for such preferred stock as aforesaid shall at once be deposited with such trust company incorporated under the authority of this Commonwealth, and having its principal place of business in said city of Boston, as shall be selected by the directors of said West End Street Railway Company, or the consolidated corporation acquiring the same; and said stock of said other street railway corporations shall be held by said trust company and its successors, with the power and upon the trust to vote upon the same in all matters, as requested by said directors, until all of the shares of said other street railway corporations respectively shall have been received by it; and when, and as often as, all the shares of any one of said other street railway corporations shall have been so received by it, the same shall be cancelled, and thereupon all the locations, powers, privileges, rights, franchises, prop-

erty and estates of said corporation shall belong to, and become and be vested in said West End Street Railway Company, or the consolidated corporation acquiring the same, without any further or other conveyance, assignment or transfer, and said West End Street Railway Company, or said consolidated corporation shall be subject to all the duties, restrictions and liabilities to which said other corporation shall then be subject; and said trust company shall have no power to sell or transfer any of said stock acquired by it in exchange for such preferred stock. Any part of the amount of preferred stock hereby authorized may be issued for cash at not less than its par value, for the purpose of applying the proceeds thereof to the purchase of any of the property, rights and franchises which said corporation is hereby authorized to acquire or purchase, said stock to be disposed of as provided in sections fifty-eight and fifty-nine of chapter one hundred and twelve of the Public Statutes: *provided, however,* that no more preferred stock shall be issued under this act than the present amount of the capital stock of the railways which shall be consolidated or united under the provisions of the first section hereof nor than shall be necessary in amount to replace the common stock which shall be retired or exchanged for such preferred stock in such proportions as shall be agreed upon between the contracting corporations; and no such preferred stock shall be issued except for the purpose of acquiring the stock of such other corporations; but in case the property, rights and franchises of any corporation shall be purchased or acquired hereunder for such an amount of said preferred stock at its par value as shall be less than the capital of the corporation so purchased or acquired the amount of preferred stock thus saved in the exchange may be used and issued for the purpose of acquiring in part any other of said street railway companies.

Any part of preferred stock may be issued for cash for purpose of purchasing property, franchises, etc.

Proviso.

SECTION 3. Said West End Street Railway Company, and any corporation formed by consolidation under section one of this act, may, from time to time, increase its capital stock as provided by the laws of this Commonwealth, and also to such an amount as the board of railroad commissioners may determine to be necessary or expedient to carry into effect the provisions of this act, and the par value of shares of the capital stock of said company shall be fifty dollars each.

May increase capital stock.

May maintain the cable and electric systems of motive power.

SECTION 4. Said West End Street Railway Company, and any corporation formed by consolidation under this act, or authorized to run cars in or into the city of Boston, may, with the consent of the board of aldermen of the city, or the selectmen of the town, in which such action is contemplated, establish and maintain the cable and electric systems of motive power, or either of them; and having first obtained permission from the board of aldermen of such city or the selectmen of such town, and the railroad commissioners, may make such underground and surface alterations of the streets in which its tracks shall be located, as may be necessary to establish and maintain such cable and electric systems of motive power or either of them.

May construct and maintain one or more tunnels under streets and under public and private lands.

SECTION 5. Said West End Street Railway Company, or any corporation formed by consolidation therewith under the provisions of this act, may, from time to time, for the purpose of furnishing to the public better street railway accommodation, with the consent of the board of aldermen and of the board of railroad commissioners, to be given as hereinafter provided, locate, construct and maintain one or more tunnels between convenient points in said city in one or more directions under the squares, streets, ways and places, except as hereinafter provided, and under public and private lands, estates and premises in said city, with the necessary approaches and access thereto, and with suitable tracks, side tracks, turnouts, switches, turn tables, depots, stations and waiting-rooms, and for that purpose may, from time to time, take by purchase or otherwise, and hold such lands or interest therein and such rights of way and easements therein as may be necessary therefor, and for the proper construction, maintenance, lighting, ventilating and use of said tunnels, depots, stations and waiting-rooms and the necessary approaches and access thereto, but only in the manner and upon the terms hereinafter specified. Before any such tunnel shall be constructed or any work thereon shall be begun, and before the taking of any lands, rights, easements or interest therein under this act, said corporation shall prepare a plan of the proposed location of said tunnel on an appropriate scale, with an accurate profile thereof on a vertical scale of ten to one as compared with the horizontal scale, and showing also the grades and levels of the surface of the land over the same, and the length, width, height and manner of construction proposed, sufficiently

Proceedings to be had before tunnel is constructed.

complete and detailed to enable a competent engineer to construct the same and to determine the sufficiency and security thereof, and shall procure the report of a skilful engineer, based on actual examination and survey, showing the feasibility of the construction proposed, and approving thereof, which plan and report, with a petition for the approval thereof, shall be filed with the board of aldermen of the city of Boston and the board of railroad commissioners; and if the said board of aldermen and the board of railroad commissioners, after such public hearing and notice to parties interested as they shall severally direct, shall approve said plan and location, or any such amended plan and location as may be adopted by said corporation and approved by said boards, they shall sign and give to the said corporation a certificate thereof, which shall be taken as their consent to the location, construction and maintenance of said tunnel as herein required. Said tunnel or tunnels, when completed, shall be for the use and under the control of said West End Street Railway Company or other corporation constructing the same for the running of street cars; and the same may be extended or enlarged from time to time in the same manner as is herein provided for their original construction.

SECTION 6. Said corporation shall at the time of taking, otherwise than by purchase, any land or right of way or easement or other interest therein, file in the registry of deeds for the county of Suffolk a declaration of such taking and a full and specific plan and description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same is so taken, which description and statement shall be signed by the president of the corporation, and thereupon said taking shall be complete; and the corporation shall be liable to pay all damages that shall be sustained by any person or corporation by reason of the taking of any such lands or right of way, easement or other interest therein, or by reason of the construction and maintenance of said tunnel; such damages to be ascertained, determined and recovered upon the application of either party, in the manner provided for ascertaining, determining and recovering damages in the case of laying out, constructing and maintaining railroads within the city of Boston and the taking of lands and materials therefor; and said corporation shall give

Declaration of taking land, etc., with full plan and description to be filed in registry of deeds.

security for all such damages and for costs, if required, in the like manner as is provided in case of such laying out of railroads in said city.

Tunnel not to be constructed under Boston Common.

SECTION 7. No location shall be granted upon and no tunnel shall be constructed under Boston Common under this act.

Location not to be valid until approved by the railroad commissioners.

SECTION 8. No location and no alteration or revocation of location of a street railway, and no authority to run cars over or use the tracks of another street railway, whether surface or elevated, in the cities of Boston, Cambridge, or in the town of Brookline, shall hereafter be valid until approved by the board of railroad commissioners. Nothing herein contained shall affect any proceeding now pending before the mayor and board of aldermen of the city of Cambridge.

Acceptance of location, etc.

SECTION 9. The acceptance, by the association for the formation of said West End Street Railway Company, of the location granted to said association on the twenty-eighth day of December, eighteen hundred and eighty-six, by the selectmen of the town of Brookline, which has heretofore been filed by said association and accepted by said selectmen, shall, to all intents and purposes, be deemed to have been filed on the twelfth day of January, eighteen hundred and eighty-seven, and shall have the same force and effect as if then filed.

SECTION 10. This act shall take effect upon its passage.

*Approved June 15, 1887.*

*Chap. 414* AN ACT RELATIVE TO EVIDENCE IN CERTAIN PROSECUTIONS FOR VIOLATION OF THE LIQUOR LAWS.

*Be it enacted, etc., as follows:*

Signs upon shops, etc., to be prima facie evidence that liquors are kept for sale.

SECTION 1. When it appears in any case arising under chapter one hundred of the Public Statutes that any placard, sign, or advertisement is exposed, maintained or permitted to remain from, in, or upon any vehicle, shop, stand, tenement, or any place of common resort, purporting or designed to announce the keeping in or upon said vehicle or any of said premises of spirituous or intoxicating liquors, except in drug stores, such circumstances shall be prima facie evidence that such liquors are kept in or upon such vehicle or premises for sale.

United States tax receipt to be evidence.

SECTION 2. The posting or maintaining on any premises described in section one of this act, of a United States tax receipt as a dealer in spirituous or intoxicating