

in the superior court for the county of Suffolk in the manner provided for the recovery of damages sustained by reason of the laying out of ways, provided the petition shall be filed in said court within a year after the right of action accrues.

Flow or drainage not to be obstructed, etc.

SECTION 5. No structure shall be built or filling or other work done in any portion of said South bay below the present high water mark thereof, whereby the existing flow or drainage of surface or other waters in or into and through said bay towards the sea is cut off or obstructed, without first making such other provision for such flow or drainage as shall be approved by said board of harbor and land commissioners and the city engineer of the city of Boston.

Repeal, etc.

SECTION 6. Chapter three hundred and nine of the acts of the year eighteen hundred and ninety-one is hereby repealed, and all harbor lines heretofore established in said South bay, so far as they differ from those established by this act, are hereby annulled.

SECTION 7. This act shall take effect upon its passage.

*Approved April 2, 1898.*

*Chap. 279* AN ACT TO INCORPORATE THE PROVIDENCE AND TAUNTON STREET RAILWAY COMPANY.

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

Providence and Taunton Street Railway Company incorporated.

SECTION 1. James F. Shaw, Bertram Sumner, George A. Butman, Edward P. Shaw, Junior, and N. Sumner Myrick, their associates and successors, are hereby made a corporation under the name of the Providence and Taunton Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

May construct, etc., its railway in the city of Taunton and certain towns.

SECTION 2. Said company may locate, relocate, construct, maintain and operate its railway in such manner as may be convenient and necessary, in part upon land outside of the public streets and highways, leased or purchased for the purpose, and upon streets, highways or state roads, in the city of Taunton and towns of Dighton, Seekonk and Rehoboth, subject to the approval and under the control of the board of aldermen of said city and the selectmen of the respective towns, as provided

by general laws, and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, and no such location shall be authorized until the said aldermen and selectmen give to the company their written approval thereof.

Location.

SECTION 3. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on lands outside the public streets and highways, subject to the provisions of the preceding section, and, with the consent of the board of aldermen in said city and of the selectmen in the respective towns, may erect such poles and wires in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway.

Motive power, etc.

May acquire necessary real estate.

SECTION 4. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, except that said company may increase or decrease its capital stock, subject to the provisions of the general laws relative thereto.

Capital stock.

SECTION 5. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock and payable within a period not exceeding twenty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto; and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May issue mortgage bonds, etc.

SECTION 6. The authority herein granted shall cease as to the location in any town where no portion of the proposed road has been built and put in operation at the end of three years from the passage of this act.

Authority as to location to cease under certain conditions.

SECTION 7. This act shall take effect upon its passage.

*Approved April 2, 1898.*