

SECTION 8. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value fifty thousand dollars. \$50,000 in real estate.

SECTION 9. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT CONCERNING THAT PORTION OF THE ROAD LATE BELONGING TO THE SALEM TURNPIKE AND CHELSEA BRIDGE CORPORATION WHICH LIES WITHIN THE LIMITS OF THE CITY OF CHELSEA.

Chap. 324

Be it enacted, &c., as follows:

SECTION 1. That portion of the highway lately belonging to the Salem Turnpike and Chelsea Bridge Corporation which lies within the limits of the city of Chelsea, and is called Broadway, shall hereafter be under the jurisdiction and control of said city, in the same manner and to the same extent as the other streets and ways in said city now are: subject, however, to the rights which the Boston and Chelsea Railroad Company and the Lynn and Boston Railroad Company have in said highway, except as herein provided. Broadway in Chelsea lately belonging to Salem Turnpike and Chelsea Bridge Corporation to be under jurisdiction of city.

SECTION 2. The mayor and aldermen of said city may alter the grade of said street, and the tracks of said railroad companies to conform to such change of grade, and thereafter the obligations of said city of Chelsea and of said railroad companies, respectively, to keep said street in repair, and the liabilities of said corporations, respectively, by reason of defects in said road and tracks shall be such, and such only, as are imposed upon municipal corporations and street railway companies, respectively, under existing laws. Mayor and aldermen may alter grade of street and tracks of horse cars.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1870.

AN ACT CONCERNING RAILROAD CORPORATIONS.

Chap. 325

Be it enacted, &c., as follows:

SECTION 1. Any railroad corporation may establish for its sole benefit, fares, tolls and charges, upon all passengers and property, conveyed or transported on its railroad, at such rates as may be determined by the directors thereof, and may from time to time by its directors regulate the use of its road: *provided*, that such rates of fares, tolls and charges, and regulations, shall at all times be subject to revision and alteration by the legislature, or such officers or persons as the legislature may appoint for the purpose, anything in the charter of any such railroad corporation to the contrary notwithstanding. Railroad corporations may establish rates of fare and charges for freight. Proviso.

State may take and possess any railroad upon giving one year's notice to corporation.

Commissioners to determine damages.

Towns of less than twelve thousand inhabitants may take stock in any railroad.

Provisos.

Towns may raise money by loan, &c., to pay for shares.

SECTION 2. The Commonwealth may, at any time take and possess the road, franchise and other property of any railroad corporation after giving one year's notice in writing to such railroad corporation, and paying therefor such compensation as may be awarded by three commissioners, who shall be appointed by the supreme judicial court, and shall be duly sworn to appraise the same justly and fairly. Said commissioners shall estimate and determine all damages sustained by any such railroad corporation by such taking of the road, franchise and other property thereof, and any such corporation aggrieved by the determination of said commissioners, may have its damages assessed by a jury of the superior court in the county of Suffolk in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways in the city of Boston.

SECTION 3. Any town of this Commonwealth having less than twelve thousand inhabitants within which the road of any railroad corporation hereafter incorporated, or the road of any existing corporation which is not now constructed shall be located or terminate, may subscribe for and hold shares of the capital stock, or the securities of such railroad corporation, to an amount not exceeding five per centum of the valuation of such town for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of such town present and voting by ballot and using the check-list, at a legal town meeting duly called for the purpose, shall vote to subscribe for such shares or securities; but nothing herein contained shall affect the right of any town to subscribe for such shares or securities under authority of any previous act; and *provided, also*, that the total amount of all subscriptions of such town which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of such town. Such town may pay for such shares or securities so voted to be taken out of its treasury, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same; and may hold and dispose of the same like other town property; and the selectmen of such town or any agent specially chosen for the purpose, shall have authority to represent such town at any and all meetings of such corporations, and may vote on the whole amount of the stock so held, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

SECTION 4. Any railroad corporation whose line of road is wholly constructed and in operation, may guarantee the bonds or other evidences of indebtedness of any railroad corporation which may be subsequently chartered, or of any existing railroad corporation whose road is not constructed, whenever the road of such subsequently chartered, or existing corporation shall join or connect with its road in such manner and to such an extent as shall be authorized by a majority vote on the stock represented at a meeting of the stockholders of said corporation called for the purpose.

Any railroad corporation may guarantee bonds, &c., of other roads, if authorized by vote of stockholders.

SECTION 5. Section one hundred and twelve of chapter sixty-three of the General Statutes is hereby repealed. Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved June 4, 1870.

AN ACT CONCERNING FEES OF WITNESSES IN CIVIL AND CRIMINAL CASES.

Chap. 326

Be it enacted, &c., as follows :

SECTION 1. No person employed as a state constable, or deputy state constable, nor any officer of the state whose salary is fixed by law, shall be entitled to any witness fees before any court or trial justice of this Commonwealth in any cause where the Commonwealth is a party. Nor shall any officer whose pay is derived solely from fees be entitled to receive more than one per diem allowance as a witness for any day's attendance on court, under one or more summonses in behalf of the Commonwealth, and the said per diem allowance shall be apportioned by the clerk among the cases in which he is so summoned.

State constable and deputies not to receive witness fees where the state is a party.

SECTION 2. When it shall appear on oath that a salaried officer of the Commonwealth not entitled to witness fees, has attended court as a witness in behalf of the Commonwealth, at a place other than his residence, and that his necessary expenses have been increased by such attendance as a witness, the court in its discretion may allow such increased necessary expense, not exceeding however one dollar and fifty cents in all for actual and necessary attendance per day under the summons or summonses.

Court may allow expenses of witness when not entitled to pay for attendance.

SECTION 3. Any person or persons included in the foregoing sections who shall receive any witness fees or allowances for increased necessary expense contrary to the true intent and meaning of this act, shall on conviction thereof, be punished by a fine not exceeding one hundred dollars. The clerks of the respective courts and the trial justices, shall report forthwith to the district attorneys of the respective counties where the said courts or hearings are had,

Penalty for unlawfully receiving witness fees.