

# HOUSE . . . . . No. 111.

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[Accompanying petition of H. Newell and others. Street Railways]

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## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-six.

### AN ACT

To incorporate the Shelburne Falls and Colrain Street Railway Company.

*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. Lorenzo Griswold, Charles A. Macey,  
2 Clifton L. Field, Whiting W. Cary, Edwin Baker, David  
3 W. Temple, George W. Jenks, Herbert Newell, Free-  
4 man L. Davenport, Albert J. Amstein, Hugo Mann,  
5 Albert C. Bray, their associates and successors, are  
6 hereby made a corporation under the name of the Shel-  
7 burne Falls and Colrain street railway company ; with  
8 all the powers and privileges and subject to all the duties,  
9 conditions and restrictions set forth in all general laws  
10 that now are or hereafter may be in force relating to  
11 street railway companies.

1      SECT. 2. Said company may locate, construct, main-  
2      tain and operate its railway in such manner as may be  
3      convenient and necessary in part upon private land and  
4      upon streets, highways or State roads, in the towns of  
5      Buckland, Shelburne and Colrain, subject to the ap-  
6      proval and under the control of the selectmen of the  
7      respective towns as provided by general laws and subject  
8      also to the approval and consent of the Massachusetts  
9      highway commissioners as to any part of said railway  
10     located upon a State highway. The location of said rail-  
11     way outside the public streets and highways shall not  
12     exceed fifty feet in width.

1      SECT. 3. Said company may maintain and operate its  
2      railway by any approved power other than steam, and  
3      may erect and maintain poles and wires on private lands  
4      taken, and, with the consent of the board of selectmen in  
5      the respective towns may erect such poles and wires in  
6      the streets and highways as may be necessary to estab-  
7      lish and maintain such motive power. It may acquire by  
8      purchase or by lease all necessary real estate for its  
9      power stations and other uses incidental to the proper  
10     maintenance of its railway.

1      SECT. 4. The proceedings for the fixing of the route  
2      and location of said railway for all the route outside of  
3      streets and highways, and for the taking of private prop-  
4      erty and for the determination and payment of damages  
5      therefor, shall be similar to those prescribed by general  
6      law in relation to railroads, except as hereinafter other-  
7      wise provided; but if upon petition of the directors and  
8      after notice and hearing thereon, as provided in section  
9      twenty-one of chapter one hundred and thirteen of  
10     the Public Statutes, the selectmen of any town agree  
11     with the directors as to any proposed extension of the

12 route of said railway therein which is in part located on  
13 private land, and the selectmen shall sign and give to the  
14 directors a certificate setting forth such route; and if  
15 such certificate with the directors' acceptance thereof in  
16 writing is recorded in the registry of deeds for the county  
17 of Franklin within thirty days after the date of said certi-  
18 ficate, it shall be deemed the true location of the tracks of  
19 the company and a taking of the private lands therein  
20 indicated.

1     SECT. 5. The capital stock of said company shall not  
2 exceed fifty thousand dollars, except that said company  
3 may increase its capital stock, subject to the provisions  
4 of the general laws relative thereto.

1     SECT. 6. Said company, in order to meet expenses  
2 incurred under this act, may issue bonds not exceeding  
3 the amount of its capital stock, and payable within a  
4 period not exceeding thirty years from the date thereof,  
5 secured by mortgage of its franchise and property, sub-  
6 ject to the general laws relative thereto; and in such  
7 mortgage may reserve to its directors the right to sell, or  
8 otherwise in due course of business dispose of, property  
9 included therein which may become unsuitable for use,  
10 provided an equivalent in value is substituted therefor.

1     SECT. 7. Said company is hereby authorized to use  
2 its said tracks to carry on the business of a common  
3 carrier of goods and merchandise and for the transpor-  
4 tation of freight upon and over any street or highway or  
5 over any private land upon which it may be authorized  
6 to construct its tracks as aforesaid, subject to the pro-  
7 visions of chapter seventy-three of the Public Statutes  
8 and of all laws relating to common carriers.

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1    SECT. 8.   The towns of Shelburne, Buckland and Col-  
2   rain or either of them may subscribe for and hold shares  
3   of the capital stock or the bonds of said company, to the  
4   same amount and in the same manner as prescribed by  
5   general law in relation to railroads.

1    SECT. 9.   No stock or bonds shall be issued under this  
2   act until the terms of such issue have been submitted to  
3   the board of railroad commissioners and approved by  
4   them.   And if they approve such issue a certificate set-  
5   ting forth such approval shall be executed by said board  
6   and filed by said company in the office of the secretary  
7   of the Commonwealth.

1    SECT. 10.  The authority herein granted shall cease  
2   as to the location in any town where no portion of the  
3   proposed road has been built and put in operation at the  
4   end of five years from the passage of this act.

1    SECT. 11.  This act shall take effect upon its passage.