

HOUSE No. 941.

[Bill accompanying the petition of John A. Dunn and others. Street
Railways.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

AN ACT

To incorporate the Worcester and Gardner 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. W. D. Lovell, John A. Dunn,
2 William Lee, Henry F. Colwell, Wallace H.
3 Ham, James F. Phelps, Carl Dickinson, Wallace
4 Wilson and Thomas A. Rowe, their associates
5 and successors, are hereby made a corporation
6 under the name of the Worcester and Gardner
7 Street Railway Company, with all the powers and
8 privileges and subject to all the duties, conditions
9 and restrictions set forth in the general laws
10 which now are or hereafter may be in force relat-
11 ing to street railway companies.

1 SECTION 2. Said company may locate, con-
2 struct, maintain and operate its railway with a
3 single or double track in such manner as may be
4 convenient or necessary, in part upon private
5 land, and in part upon streets, highways or state
6 roads in the city of Worcester and in the towns
7 of Holden, Rutland, Hubbardston, Gardner, West
8 Boylston and Princeton, subject to the approval
9 of the mayor and aldermen of the city of Worces-
10 ter and the selectmen of said towns, as provided
11 by general law, and subject also to the approval
12 of the Massachusetts highway commission as to
13 any part of said railway located upon a state
14 highway. The location of said railway outside
15 the public streets and highways shall not exceed
16 fifty feet in width except that said railway may
17 use, purchase or take in the manner hereinafter
18 provided such land in addition to said fifty feet
19 as may be convenient or necessary for turnouts,
20 switches, buildings, power stations, water power
21 and structures incidental to the operation thereof.

1 SECTION 3. Said company may locate upon
2 and take the fee therein for its uses as herein pro-
3 vided any land other than a public highway and
4 that belonging to said city or said towns; and for
5 all land so taken it shall pay to the owner thereof
6 such amount as may be agreed upon by said
7 owner and said company, and if said owner and
8 said company shall be unable to agree in respect
9 thereto, either party may have the amount to be
10 so paid determined by a petition to the board of

11 railroad commissioners, whose finding shall be
12 final and conclusive upon both parties. The board
13 of railroad commissioners shall hear the parties
14 upon the filing of such petition, and shall make
15 and record its finding in respect thereto.

1 SECTION 4. Said company may maintain and
2 operate its railway by any motive power other
3 than steam, and may erect and maintain all neces-
4 sary poles, wires and conduits in the highways or
5 upon private lands, and may make such excava-
6 tions in the streets and highways as may be
7 necessary to establish and maintain its railway
8 structures and motive power. It may purchase
9 or lease all real estate and water power required
10 for its power stations, tracks, poles, wires, car-
11 houses and other uses incident to the proper con-
12 struction, maintenance and operation of its
13 railway.

1 SECTION 5. Said company is hereby author-
2 ized to use its tracks for the transportation of pas-
3 sengers, baggage and freight, to carry on an
4 express business, to be a common carrier of goods
5 and merchandise, and to carry the United States
6 mails upon and over any street or highway or
7 over any private land upon which it may be con-
8 structed as herein provided.

1 SECTION 6. Said company may enter upon,
2 use and operate its cars upon the tracks of any
3 other street railway company in said city or said

4 towns, upon such terms and conditions and for
5 such compensation as the two companies may
6 agree upon, and if said companies fail to agree
7 upon such terms, conditions and compensation,
8 the same may upon the petition of either party
9 be submitted to the board of railroad commis-
10 sioners for its determination, and the finding of
11 said board shall be final and binding upon each
12 of the said companies. Any order or finding
13 made by said board under the provisions of this
14 act may be enforced by process issuing out of the
15 supreme judicial court or the superior court.

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