

# HOUSE . . . . . No. 959.

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[Bill accompanying the petition of Frank A. Tobin and others for legislation to incorporate the Oakham Street Railway Company. Street Railways. Feb. 6]

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

### AN ACT

To incorporate the Oakham 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. Frank A. Tobin, Jesse Allen,  
2 Corliss F. Hill, Harry B. Parker, William C.  
3 Bliss, Clarence H. Parker, George H. Williams,  
4 George W. Stone and C. A. Gleason their asso-  
5 ciates and successors, are hereby made a corpora-  
6 tion under the name of the Oakham Street  
7 Railway Company, with all the powers and  
8 privileges and subject to all the duties, conditions  
9 and restrictions set forth in all general laws that  
10 now are or hereafter may be in force relating to  
11 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 and necessary, in part upon private  
5 land, and upon streets, highways or state roads  
6 in the town of \_\_\_\_\_, subject to the approval  
7 and under the control of the selectmen of said  
8 town as provided by general law, and subject  
9 also to the approval and consent of the Massa-  
10 chusetts highway commission as to any part of  
11 said railway located upon a state highway. The  
12 location of said railway outside the public streets  
13 and highways shall not exceed fifty feet in width,  
14 with convenient turnouts and switches.

1 SECTION 3. Said company may maintain and  
2 operate its railway by any approved power other  
3 than steam, and may erect and maintain poles and  
4 wires on private lands taken for the purposes of  
5 said railway, and with the consent of the select-  
6 men, may erect such poles and wires in the streets  
7 and highways as may be necessary to establish  
8 and maintain such motive power. It may acquire  
9 by purchase or by lease all necessary real estate  
10 and water power for its power stations and other  
11 uses incident to the proper maintenance of its  
12 railroad. The proceedings for the fixing of the  
13 route and location of said railway for all the route  
14 outside of streets and highways, and for the tak-  
15 ing of private property, and for the determination  
16 and payment of damages therefor, shall be similar  
17 to those prescribed by general law in relation to  
18 railroads, except as hereinafter otherwise pro-  
19 vided; but if upon petition of the directors and  
20 after notice and hearing thereon, as provided in  
21 section twenty-one of chapter one hundred and

22 thirteen of the Public Statutes, the selectmen of  
23 any town agree with the directors as to any pro-  
24 posed extension of the route of said railroad  
25 therein, which is in part located upon private  
26 land, and the selectmen sign and give to the  
27 directors a certificate setting forth such route,  
28 and if such certificate, with the directors' accept-  
29 ance thereof in writing, is recorded in the registry  
30 of deeds of the Worcester district within thirty  
31 days after the date of said certificate, it shall be  
32 deemed the true location of the tracks of the  
33 company and a taking of the private lands therein  
34 indicated. The capital stock of said company  
35 shall not exceed \_\_\_\_\_, except that said com-  
36 pany may increase its capital stock, subject to the  
37 provisions of the general laws relative thereto.  
38 Said company, in order to meet the expenses  
39 incurred under this act, may from time to time by  
40 vote of the majority in interest of its stockholders  
41 issue coupon or registered bonds. All bonds  
42 issued shall first be approved by some person  
43 appointed by the corporation for that purpose,  
44 who shall certify upon each bond that it is prop-  
45 erly issued and recorded. Such bonds shall be  
46 secured by a mortgage of the franchise and  
47 property of the company, subject to the general  
48 laws relative thereto; and in such mortgage the  
49 company may reserve to its directors the right to  
50 sell or otherwise in due course of business to dis-  
51 pose of property included therein which may  
52 become unsuitable for use, provided an equivalent  
53 in value is substituted therefor. Said company is  
54 hereby authorized to use its tracks to carry on the

55 express business and to be a common carrier of  
56 goods, merchandise and mails, and may use said  
57 tracks for the transportation of passengers and  
58 freight upon and over any street or highway, or  
59 over any private land upon which it may be  
60 authorized to construct its tracks as aforesaid,  
61 subject to the provisions of chapter seventy-three  
62 of the Public Statutes and all laws relating to  
63 common carriers and express companies, and sub-  
64 ject also to such rules and regulations as may be  
65 made from time to time by the selectmen of the  
66 town of .

1 SECTION 4. No stock or bonds shall be issued  
2 under this act until the terms of such issue have  
3 been submitted to the board of railroad commis-  
4 sioners and approved by them, and, if they  
5 approve such issue, a certificate setting forth such  
6 approval shall be executed by said board and filed  
7 by said company in the office of the secretary of  
8 the Commonwealth. Said company may equip  
9 its plant for electric lighting, and may establish  
10 poles on private land and in the public ways in  
11 the manner and under the same restrictions as set  
12 forth in section two of this act, and may engage  
13 in the business of the sale of electric light and  
14 power, subject to the general laws relative  
15 thereto, and under the direction and approval of  
16 the board of gas and electric light commissioners.  
17 The authority herein granted shall cease, provided  
18 no portion of the proposed road has been built  
19 and put in operation at the end of five years from  
20 the passage of this act.