

HOUSE No. 1384.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 20, 1901.

The committee on Street Railways, to whom was referred the petition (with accompanying bill, House, No. 886) of E. B. Callender for legislation relative to the issue of bonds, coupon notes and other evidences of indebtedness of street railway companies, and the petition (with accompanying bill, House, No. 887) of E. B. Callender for legislation to further prevent stock watering and to promote the public safety in the construction and operation of street railways, report the accompanying bill.

For the Committee,

FRED C. GILPATRICK.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

To perfect the Laws against Stock Watering and to promote the Public Safety in the Construction and Operation of Street Railways.

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. No street railway company shall
2 expend or apply any part of the proceeds of its
3 capital stock as originally fixed by its articles of
4 association, or, if the company is incorporated by
5 special act, as originally fixed by its board of
6 directors, or begin the construction of its railway
7 or of any extension thereof or make any contracts
8 therefor or incur any liabilities other than for sur-
9 vey and plans as hereinafter provided binding
10 upon the corporation on account thereof until the
11 approval of the railroad commissioners has been
12 obtained under the provisions of the following
13 section, in addition to the approval of said board
14 required by all other general laws regulating the
15 issue of securities by street railway companies.

1 SECTION 2. The company shall submit to the
2 board of railroad commissioners copies of all
3 locations granted to it for its railway or extension,
4 with detailed plans and specifications of all mate-
5 rials and labor required in the opinion of such
6 company for the construction of the proposed
7 railway or extension, and of all rolling stock,
8 machinery and other movable and fixed equipment
9 similarly deemed necessary by such company for
10 the proper operation thereof, together with a map
11 of the proposed route on appropriate scale, with a
12 profile thereof on a vertical scale of ten to one as
13 compared with the horizontal scale, and shall pro-
14 cure the report of a skilful engineer showing in
15 such detail as the board may require substantially
16 the same facts and information and detailed esti-
17 mate of the cost of construction and equipment
18 as are required from railroad corporations under
19 section thirty-eight of chapter one hundred and
20 twelve of the Public Statutes. If said board is
21 of opinion, after public notice and hearing, that
22 public necessity and convenience will be pro-
23 moted by the construction of a street railway be-
24 tween the termini and substantially on the route
25 or routes shown on such map, and in accordance
26 with said locations, it may approve the same, and
27 authorize the company to begin construction, and
28 in its order of approval may direct such changes in
29 the route, method of proposed construction, kind
30 of materials to be used therein, and any
3 other matters relating to the construction and
32 equipment of such railway or extension as

33 in its opinion public convenience and safety
34 may require: *provided, however*, that if any such
35 change in the route of the proposed railway is in
36 a public street no further proceedings shall be
37 had until the company shall have obtained the
38 consent to such change of the board of aldermen
39 of the city or selectmen of the town, as the case
40 may be, in which such change has been directed
41 to be made.

1 SECTION 3. Upon the completion of said rail-
2 way or extension said board shall cause one of its
3 inspectors to make an examination to ascertain
4 that all the board's requirements under the fore-
5 going provisions have been complied with, before
6 the board gives its certificate under section one
7 hundred and forty-one, and amendments thereto,
8 of chapter one hundred and twelve of the Public
9 Statutes.

1 SECTION 4. Whoever, by himself or others,
2 wilfully and maliciously obstructs an engine or car
3 passing upon a street railway, or endangers the
4 safety of persons conveyed in or upon the same,
5 or in any way injures such railway or anything
6 pertaining thereto or any materials or implements
7 for the construction or use thereof in such manner
8 as thereby to endanger life, or aids or assists in
9 any of the acts aforesaid, shall forfeit to the use of
10 the street railway company for each offence treble
11 the amount of damages proved to have been sus-
12 tained thereby to be recovered in an action of

13 tort in its name, and shall be punished by fine
14 not exceeding one thousand dollars or imprison-
15 ment in the state prison, at hard labor, not ex-
16 ceeding twenty years, or by both such fine and
17 imprisonment.

1 SECTION 5. Whoever wilfully and maliciously
2 does, or causes to be done, anything with intent
3 to obstruct an engine or car passing upon a street
4 railway or with intent to injure the safety of per-
5 sons conveyed in or upon the same, or aids or
6 assists therein, shall be punished by imprisonment
7 in the state prison for not more than twenty years,
8 or by fine not exceeding five hundred dollars and
9 imprisonment in the county jail for not more than
10 one year.

1 SECTION 6. Sections fourteen to nineteen and
2 section two hundred and eight of chapter one
3 hundred and twelve of the Public Statutes shall
4 apply to street railways and to the corporations
5 operating the same.

1 SECTION 7. The provisions of the first three
2 sections of this act shall not apply to extensions
3 of existing street railways for which locations
4 shall have been granted before the passage of this
5 act or to street railway companies now in process
6 of organization.

