

HOUSE No. 1395.

[House, No. 1384, as passed to be engrossed.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and One.

AN ACT

To perfect the Laws against Stock Watering and to promote 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
9 surveys and plans as hereinafter provided, bind-

10 ing upon the corporation on account thereof until
11 the approval of the railroad commissioners has
12 been obtained under the provisions of the follow-
13 ing section, in addition to the approval of said
14 commissioners required by other general laws
15 regulating the issue of securities by street rail-
16 way companies.

1 SECTION 2 The company shall submit to the
2 board of railroad commissioners copies of all loca-
3 tions granted to it for its railway or extension,
4 with detailed plans and specifications of all mate-
5 rials and labor which in the opinion of the
6 company will be required for the construction
7 of the proposed railway or extension, and of all
8 rolling stock, machinery and other movable and
9 fixed equipment similarly deemed necessary by
10 the company for the proper operation of its line
11 together with a map of the proposed route on an
12 appropriate scale, with a profile thereof on a ver-
13 tical scale of ten to one as compared with the
14 horizontal scale; and the company shall procure
15 the report of a skilful engineer showing in such
16 detail as the board may require substantially the
17 same facts and information and such detailed esti-
18 mates of the cost of construction and equipment
19 as are required under section thirty-eight of
20 chapter one hundred and twelve of the Public
21 Statutes.

1 SECTION 3. If the said board is of opinion,
2 after public notice and hearing, that public con-

3 venience will be promoted by the construction of
4 a street railway between the termini and substan-
5 tially on the route or routes shown on such map,
6 and in accordance with said locations, it may ap-
7 prove the same, and authorize the company to
8 begin construction, and in its order of approval
9 may direct such changes in the route, method of
10 proposed construction, kind of materials to be
11 used therein, and any other matters relating to
12 the construction and equipment of such railway
13 or extension as in its opinion public convenience
14 and safety require: *provided, however*, that if any
15 such change in the route of the proposed railway
16 is in a public street no further proceedings shall
17 be had until the company has obtained the consent
18 to the change of the board of aldermen of the
19 city or selectmen of the town in which the change
20 has been directed to be made.

1 SECTION 4. Upon the completion of any such
2 railway or extension, the board shall cause one of
3 its 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 5. The board of railroad commis-
2 sioners, in connection with its supervision of
3 issues of stock and bonds, may employ a com-

4 petent expert to examine the character of the
5 work done and material furnished in the construc-
6 tion of street railways, and to appraise the value
7 of street railway property. The expenses in-
8 curred by the board of railroad commissioners
9 under this act shall be defrayed in the manner set
10 forth in section twelve of chapter one hundred
11 and twelve of the Public Statutes.

1 SECTION 6. Sections fourteen to nineteen in-
2 clusive and section two hundred and eight of
3 chapter one hundred and twelve of the Public
4 Statutes and the amendments thereof shall apply
5 to street railways and to the corporations operat-
6 ing 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.

HOUSE OF REPRESENTATIVES, May 22, 1901.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*