

HOUSE No. 1450.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 20, 1902.

The committee on Street Railways, to whom was referred the petition (with accompanying bill, House, No. 569) of A. C. Collins for legislation to incorporate the New York and Berkshire Street Railway Company, report the accompanying bill.

For the Committee,

JOSEPH E. BUSWELL.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two.

AN ACT

To incorporate the New York and Berkshire 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. Roscoe C. Taft, W. C. Dalzell,
2 J. F. Whiting, G. Will Platt, H. F. Keith, John
3 C. Benton, Frank B. Schutt, John A. Brewer,
4 Orlando C. Bidwell, George W. Mellen, their
5 associates and successors, are hereby made a cor-
6 poration under the name of the New York and
7 Berkshire Street Railway Company, with all the
8 powers and privileges, and subject to all the
9 duties, conditions and restrictions set forth in all
10 general laws now or hereafter in force relating to
11 street railway companies.

1 SECTION 2. Said company may locate, con-
2 struct, maintain and operate its railway in such

3 manner as may be convenient and necessary, in
4 part upon private land, and upon streets, high-
5 ways or state highways in the towns of Mount
6 Washington, Egremont, Great Barrington, Mon-
7 terey, Otis, Sandisfield, Tolland, Granville, Russell,
8 Blandford, Southwick, Westfield and Agawam, in
9 the Commonwealth of Massachusetts, subject to
10 the approval and under the control of the select-
11 men of the repective towns as provided by general
12 laws, and subject also to the approval and control
13 of the Massachusetts highway commission as to
14 any part of said railway situated upon a state
15 highway. The location of said railway outside
16 the public streets and highways shall not exceed
17 five rods in width.

1 SECTION 3. The proceedings for the fixing of
2 the route and location of said railway for all the
3 route outside of streets and highways, and for the
4 taking of private property and for the determina-
5 tion and payment of damages therefor, shall be
6 similar to those prescribed by general law in rela-
7 tion to railroads, except as hereinafter otherwise
8 provided; but if upon petition of the directors
9 and after notice and hearing thereon, as provided
10 in section thirty of chapter one hundred and
11 twelve of the Revised Laws, the selectmen of
12 any town agree with the directors as to any pro-
13 posed extension of the route of said railway
14 therein which is in part located on private land,
15 and the selectmen shall sign and give to the
16 directors a certificate setting forth such a route;

17 and if such certificate with the directors' accept-
18 ance thereof in writing is recorded in the registry
19 of deeds for the county where the land is situated
20 within thirty days after the date of said certifi-
21 cate, it shall be deemed the true location of the
22 tracks of the company and a taking of the private
23 lands therein indicated.

1 SECTION 4. 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 board
6 of selectmen of any town, may erect such poles
7 and wires in the streets and highways of that
8 town as may be necessary to establish and main-
9 tain such motive power. It may acquire by pur-
10 chase or by lease all real estate and water power
11 necessary for its power stations and other uses
12 incident to the proper maintenance of its railway.

1 SECTION 5. The capital stock of said company
2 shall not exceed six hundred thousand dollars, ex-
3 cept that the company may increase its capital
4 stock subject to the provisions of the general laws
5 relative thereto.

1 SECTION 6. Said company, in order to meet
2 the expenses incurred under this act, may, subject
3 to the approval of the board of railroad commis-
4 sioners, from time to time by vote of the majority
5 in interest of its stockholders issue coupon or

6 registered bonds. Such bonds shall be secured
7 by a mortgage of the franchise and property of
8 the company, subject to the general laws relative
9 thereto; and in such mortgage the company may
10 reserve to its directors the right to sell or other-
11 wise in due course of business to dispose of
12 property included therein which may become un-
13 suitable for use, provided that an equivalent in
14 value is substituted therefor.

1 SECTION 7. Said company is hereby authorized
2 to use its tracks to carry on the express business
3 and to be a common carrier of goods, merchandise
4 and freight, and may use its tracks for the trans-
5 portation of passengers subject to the provisions
6 of chapter seventy of the Revised Laws and of
7 all laws relating to common carriers.

1 SECTION 8. The authority herein granted shall
2 cease, if no part of the proposed railway has been
3 built and put in operation at the end of three
4 years from the passage of this act.

1 SECTION 9. This act shall take effect upon its
2 passage.

