

HOUSE No. 72.

Bill accompanying the petition of E. Moody Boynton for legislation to create a railroad court and to transfer thereto the powers and duties of the Board of Railroad Commissioners. Joint Judiciary. January 7.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To abolish the Board of Railroad Commissioners and to establish a Railroad Court.

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. The powers and duties now conferred
2 and imposed upon the board of railroad commis-
3 sioners are hereby transferred to the railroad court
4 hereby established, and shall be exercised and per-
5 formed by the said court. Upon the passage of this
6 act, the board of railroad commissioners shall cease
7 to exist.

1 SECTION 2. The railroad court shall be composed
2 of a chief justice and two associate justices to be

3 appointed by the governor with the advice and con-
4 sent of the council. The salary of the chief justice
5 shall be seven thousand five hundred dollars and
6 the salaries of the associate justices shall be five
7 thousand dollars each a year, to be paid out of the
8 treasury of the Commonwealth.

1 SECTION 3. The governor with the advice and
2 consent of the council shall also appoint three ex-
3 pert assistants, to be called secretaries, for the said
4 court, who shall be, preferably, graduates of some
5 school of mechanical or civil engineering. They
6 shall each receive a salary of two thousand five
7 hundred dollars a year, to be paid out of the treas-
8 ury of the Commonwealth, and shall assist the court
9 by making investigations and performing such other
10 work as the court may order.

1 SECTION 4. The said court shall have jurisdiction
2 of all matters arising between a railroad corpora-
3 tion and the Commonwealth, or the people thereof,
4 exclusive of actions of tort or contract or of the
5 claims of any individual against a railroad corpora-
6 tion or of any right of action of a railroad corpo-
7 ration against any individual. The court shall have
8 authority to determine whether, in any case a rail-
9 road corporation has complied with the provisions
10 of law necessary for the issuing of stocks or bonds
11 by the said corporation and shall render its decision
12 in said matter within one week after application
13 is made to it. The railroad court shall also investi-
14 gate and render a decision upon all complaints
15 against railroad corporations made by citizens of
16 the Commonwealth and filed with it alleging unjust

17 or extortionate charges for service, unnecessary de-
18 lay in the running of trains, failure to run a suffi-
19 cient number of trains, or any other failure to
20 render proper service to the public. In the case of
21 all applications to the railroad court for a decision
22 upon any matter coming within its jurisdiction the
23 court shall give duly advertised public hearings, and
24 in all cases shall render its decision as promptly as
25 possible.

1 SECTION 5. There shall be prepared by the joint
2 committee on the judiciary for the current year the
3 form and schedule for procedure setting forth in
4 detail for the building of railways the things neces-
5 sary to be done to receive the approval of said
6 court and the same shall be filed in the form and
7 manner prescribed by law under oath if so required,
8 and no stoppage of business, contracts for building
9 or procedure shall occur and summary approval
10 shall be made as a matter of form when the law
11 has been conformed to. If desired by the judge a
12 hearing shall be had on the report of his two assist-
13 ants and clerks, one clerk each to be appointed for
14 such assistance.

15 That such advertised public hearings seem neces-
16 sary. There shall be seven days' notice and the re-
17 ports and forms filed shall be corrected and legal-
18 ized within three days unless reasons are filed for
19 further delay of not more than seven days.

1 SECTION 6. The chief justice of the said court may
2 assign one or both of the associate justices to hear
3 and determine any matter, and an appeal from such
4 determination shall lie to the chief justice. From

5 the decisions of the chief justice appeals may be
6 taken to the supreme judicial court of the Com-
7 monwealth in the same manner and to the same
8 extent as appeals from the decisions of a judge of
9 the superior or supreme judicial court sitting in
10 equity, but said appeal shall not stay or vacate any
11 such decision until determined by the supreme judi-
12 cial court.

1 SECTION 7. It shall be the duty of all persons and
2 corporations to abide by and carry out the decisions
3 of the said court or of the chief justice thereof, and
4 it shall be the duty of the attorney general to take
5 such proceedings as may be necessary in the case of
6 any neglect or refusal to comply with any such
7 decision.

1 SECTION 8. This act shall take effect upon its
2 passage.