

## SENATE....No. 106.

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### Commonwealth of Massachusetts.

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IN SENATE, April 17, 1850.

The Joint Committee on Railways and Canals, to whom was committed the Petition of Sam'l E. Sewell and others, James Eaton and others, Lyman Reed and others, praying for additional security to passenger trains passing over bridges, and especially upon the Boston and Maine Railroad; and the order of January 26, instructing the committee to inquire whether any legislation is necessary to prevent casualties on railroad bridges, &c., report the accompanying Bill.

JNO. H. WILKINS, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty.

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### AN ACT

For the better Security of Railroad Passenger Trains.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. Whenever any railroad in this Common-  
2 wealth does or shall pass over tide water, the corpora-  
3 tion to which it belongs shall, within four months  
4 from the passage of this act, or, if the bridge of any  
5 railroad over tide water be not now completed so as  
6 to be used for passenger trains, then, before the same  
7 shall be used for passenger trains, cause to be laid  
8 down and firmly secured to sleepers, or piles, a piece  
9 or pieces of sound timber, of at least ten inches square,  
10 and well joined at the ends, in the centre, between the  
11 rails of each and every track on which passengers are  
12 carried over said tide water. Said piece or pieces of  
13 timber shall be raised to the height of the top of the  
14 iron rails, and if said iron rails shall not rise at least  
15 six inches above the sleepers or the road bed, then

16 said rails shall be raised to that height. And it shall  
17 be the duty of the mayor and aldermen of any city in  
18 which the track of any railroad crossing tide water is  
19 situated, and of the county commissioners of any  
20 county in which the track of any railroad crossing  
21 tide water is situated, and not being within the limits  
22 of any city, at the request of the directors of any rail-  
23 road corporation, to inspect the guard timbers thus  
24 laid in the middle of the track, and to certify in  
25 writing to the said railroad corporation, whether the  
26 same are laid conformably to this law, and if the same  
27 are not laid conformably to this law, then to require  
28 the same to be so laid. *Provided*, that in all cases in  
29 which it shall appear to the mayor and aldermen or  
30 county commissioners, before referred to, that the public  
31 safety is sufficiently provided for, and secured by timbers,  
32 bulwarks, or other structures already erected, for the  
33 whole, or any part of the bridge of such corporation,  
34 said mayor and aldermen, or county commissioners,  
35 shall be empowered to release such railroad corpora-  
36 tions as have thus provided for the public safety, from  
37 the duties prescribed in this act, either for the whole,  
38 or any part of the bridge of such corporation, as the  
39 case may require.

1     SECT. 2. Any railroad corporation, neglecting to  
2 lay sufficient guard timbers, as required by the pre-  
3 ceding section, or neglecting to submit the same to  
4 the inspection of the mayor and aldermen, or county  
5 commissioners aforesaid, shall forfeit and pay the sum  
6 of one hundred dollars, during every calendar month  
7 while such neglect continues, to be recovered by an  
8 action of debt, in the court of common pleas, one-half  
9 to be paid to any person who may sue for the same,  
10 the other half to the benefit of the city or town in

11 which the bridge lies; and, if it lies partly in one  
12 city or town, and partly in another, then one-half to  
13 the person who may sue for the same, and the other  
14 half equally to be divided between the cities and  
15 towns in which the bridge lies.

1     SECT. 3. Every rail over which passenger trains  
2 run, on any railroad bridge crossing tide water, shall  
3 be laid at least three inches farther from the edge of  
4 the bridge than it is from the rail opposite to it on  
5 the same track. Where rails are now laid nearer the  
6 edge than is above required, they shall be altered  
7 within four months from the passage of this act.  
8 Any railroad corporation neglecting to comply with  
9 the provisions of this section, shall forfeit the sum of  
10 one hundred dollars for each calendar month while  
11 such neglect continues, to be recovered in the manner  
12 pointed out in the last section.

1     SECT. 4. This act shall take effect, from and after  
2 its passage.