

## HOUSE . . . . No. 177.

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[Proposed amendments to the Bill concerning Horse and Street Railroad Corporations.]

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### Commonwealth of Massachusetts.

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[Mr. JEWELL, of Boston, proposes to amend as follows :—]

At the end of section 3, add—

1 And if any railroad corporation lies within the  
2 limits of more than one town or city, such towns and  
3 cities may unite in the purchase of such road as  
4 before provided. In case of a railroad corporation  
5 leasing any roads or tracks, the cities and towns  
6 within which may lie the tracks or roads so leased or  
7 owned by said corporation may have the right to pur-  
8 chase all the franchises, rights and property of said  
9 corporation or corporations paying therefor as above  
10 provided.

At the end of section 7 add—

1 In case of any application to the supreme judicial  
2 court for commissioners under this section, the cities

3 or towns within which the tracks of the roads so con-  
4 necting may lie shall have notice of the same and may  
5 appear in the proceedings, and may also appear and  
6 be heard before said commissioners.

In section 8th, after the word "paid" in the 14th line, *insert*  
the following:—

1 Upon such hearing it shall be lawful to show what  
2 was the actual cost of such railroad, or if the applica-  
3 tion has regard to a corporation leasing the track of  
4 any other railroad, what was the cost of the railroad  
5 leasing as well as of the road or roads under lease,  
6 and that the stock of said road or roads is fictitious  
7 or not issued bona fide for its par value in cash  
8 actually paid in, and any other circumstances tending  
9 to show that the nominal capital stock with any actual  
10 indebtedness of said road or roads does not represent  
11 the actual and true cost of such road or roads.

In section 9 *strike out* all after the word "whenever" in  
the 11th line, to the word "tracks" in the 13th line, and  
*insert*—

1 Whenever they shall adjudge that the safety or  
2 convenience of the inhabitants require the discontin-  
3 uance of the use of the same, and in case of disobedi-  
4 ence of such order the track of such corporation may  
5 be forthwith taken up by order of the mayor and  
6 aldermen or selectmen as the case may be, or the use  
7 of such tracks may be otherwise interrupted during  
8 the continuance of such order of discontinuance.

[Mr. CHANDLER, of Boston, proposes to amend as follows:—]

*Strike out* the 7th section and *insert* the following:—

1     SECT. 7. Corporations whose tracks enter upon or  
2 connect with each other may agree upon a system for  
3 the commutation of tickets, by which any passenger  
4 shall be carried from a given point upon one road to  
5 a given point upon any other connecting road, by the  
6 payment of a single fare ; and in case of a failure on  
7 the part of any such connecting corporations to agree,  
8 the supreme judicial court may, upon application of  
9 either corporation, and upon due notice, appoint three  
10 commissioners, who shall hear the parties and make an  
11 award in the premises, either prescribing all the details  
12 in relation to the drawing of the cars of one corpora-  
13 tion over the track of another, or allowing one corpo-  
14 ration to enter upon and use the tracks of another  
15 corporation with their horses and cars, and the price  
16 to be paid therefor ; or said commissioners may pre-  
17 scribe all needful regulations in respect to such com-  
18 mutation of tickets, and also may determine how the  
19 costs of the proceedings shall be paid ; and the report  
20 of such commissioners, returned into court, may be  
21 accepted and approved or re-committed to the com-  
22 missioners by a single judge in a summary manner,  
23 and shall stand and be obeyed, if accepted and ap-  
24 proved, until otherwise ordered by the whole court.  
25 And such award of commissioners, so made and ap-  
26 proved, shall not be changed or annulled for the  
27 period of one year, after which either party may apply  
28 for the appointment of new commissioners, which  
29 application shall rest in the discretion of said court.

Add to section 10, the following : “ Or which shall be ordered to be removed in accordance with the provisions of its act of incorporation.” So that it will read as follows :—

1 SECT. 10. Nothing contained in this act shall  
 2 legalize or authorize the continuance of any track  
 3 which is or shall be a common nuisance, or which  
 4 shall be ordered to be removed in accordance with the  
 5 provisions of its act of incorporation.

[Mr. BRASTOW, of Somerville, proposes to amend as follows:—]

In 2d section, 6th line after word “highways,” add—“and over the tracks of any other horse railroad.”

Also, in 2d section, in 14th line, after the word “highways,” add—“and to any such corporation located upon the streets.”

Also, in 2d section, in 22d line, *strike out* “said abutters,” and *insert* the words—“all persons interested.”

Also, in 2d section, in 26th line, after the word, “thereof,” add—“and the manner and direction of running the cars thereon.”

In 3d section, in 5th line, after the word “corporations,” add—“or any portion of the tracks thereof.”

In 8th section, in 1st line, after the word, “establish,” *strike out*—“a toll,” and *insert*—“such rates of fare.”

Also in 8th section, in second line, after the word “transported,” *strike out*—“on its road at such rates,” and *insert*—“in its own cars.”

In 11th section, in 11th line, after the word “adjudication,” add—“and make an award thereon.”

[Mr. HARDING, of Cambridge, proposes to amend as follows:]

*Strike out* section 8.

[Mr. PIERCE, of Dorchester, proposes to amend as follows :—]

*Strike out* section 10, and *substitute* —

1    SECT. —. At any time after the expiration of one  
2 year from the opening for use of the tracks of any  
3 railroad in any street or highway in which the same  
4 have been or may be located, the mayor and aldermen  
5 of any city or the selectmen of any town in which  
6 such tracks may be located, may by vote of the major  
7 part thereof determine that the same or any part  
8 thereof be discontinued, and thereupon the said loca-  
9 tion shall be deemed to be revoked so far as regards  
10 such parts as they shall order to be discontinued, and  
11 the tracks in that part thereof shall be forthwith taken  
12 up and removed in conformity with such vote and  
13 order, and such taking up and removal shall be at  
14 the expense of such railroad company.

