

# HOUSE....No. 114.

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[Reported by the Committee on the Judiciary.]

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## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-  
One.

### AN ACT

Concerning Effects of Passengers transported by Railroad  
Corporations and other Common Carriers.

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

1    SECT. 1. Every railroad corporation, and the pro-  
2    prietors of every steamboat in this Commonwealth,  
3    engaged in the transportation of passengers, shall,  
4    once in every six months, on the first Monday of Jan-  
5    uary and of July in each year, publish a descriptive list

6 of all trunks, carpet bags, valises, parcels, and pas-  
7 sengers' effects whatsoever, which may at any time  
8 have been left, and shall on said day remain un-  
9 claimed at any passenger station or office, or other-  
10 wise in the possession of said corporation, or proprie-  
11 tors, or their agents. Said list to indicate all such  
12 specific marks as may serve to identify the same.  
13 And said publication to be made in one newspaper, at  
14 least, in every county of the Commonwealth in which  
15 such railroad corporation or steamboat proprietors  
16 may have a passenger station or office.

1     SECT. 2. If, at the expiration of six months after  
2 such advertisement as aforesaid, any of the articles so  
3 advertised still remain unclaimed, then the railroad  
4 corporation or steamboat proprietors, in whose pos-  
5 session they may be, shall give notice to the mayor  
6 and aldermen of the city, or the selectmen of the  
7 town, in which, respectively, said articles may be;  
8 and the said mayor and aldermen, or selectmen shall  
9 cause the said articles to be examined, and may either  
10 order them to be sold at public auction, first adver-  
11 tising them in manner and place as aforesaid, or may,  
12 in their discretion, order the said articles, or any of  
13 them, to be again advertised, and to remain another  
14 six months before being sold.

1     SECT. 3. The proceeds of all articles thus sold,  
2 after deducting costs of storage, advertising, and oth-  
3 er expenses, due to the railroad corporation or steam-  
4 boat proprietors aforesaid, and also the costs of said  
5 examination and sale, shall be paid over to the treas-  
6 urer of the Commonwealth, for the use of the same.

1     SECT. 4. If any such railroad corporation or steam-  
2 boat proprietors shall neglect or omit so to advertise and

3 cause to be examined, any such passengers' effects,  
4 left as aforesaid, such corporation and proprietors,  
5 respectively, shall be subject to an action for damages  
6 on the part of any person aggrieved thereby, and shall  
7 also be subject to a penalty of one hundred dollars for  
8 each and every case of neglect or omission, to be re-  
9 covered by process in any competent court, and to  
10 enure one half to the complainant, and the other half  
11 to the county in which the case occurs.

1     SECT. 5. Whenever an action shall be brought by  
2 a passenger against any railroad corporation, steam-  
3 boat proprietors, or other common carrier, to recover  
4 damages for any trunk, carpet bag, valise, or other  
5 parcel, missing, lost, damaged, or destroyed, or for the  
6 contents thereof, and when the plaintiff shall, at the  
7 trial of said action, have made proof of the bailment  
8 of said trunk, carpet bag, valise, or other parcel, to  
9 such railroad corporation, steamboat proprietor, or  
10 other common carrier, or their agents, and of the  
11 subsequent loss, destruction, or damage of the same,  
12 or of the contents thereof, by the fault of such car-  
13 rier, or of the agents of such carrier, then the plain-  
14 tiff shall be allowed to put in evidence in the case, a  
15 descriptive list, sworn to by him, of so much of the  
16 contents of such trunk, carpet bag, valise, or other  
17 parcel, as may consist of convenient wearing apparel,  
18 and other traveling equipage of the party: *provided*,  
19 that in such case, the defendant in the action may  
20 interrogate the plaintiff as to the contents of such  
21 trunk, carpet bag, valise, or other parcel, and the  
22 value thereof: *and provided, further*, that the testi-  
23 mony of the plaintiff, when so received, shall be  
24 subject to the same exceptions of law, in other re-  
25 spects, as that of any other witness.

