

# HOUSE....No. 133.

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[Reported by the Committee on the Judiciary.]

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## Commonwealth of Massachusetts.

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

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### AN ACT

To Protect Towns from Injury by the neglect of Railroad  
Corporations.

*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. Whenever any party shall be injured in  
2 his person or property, by a defect in the highway,  
3 within the location of any railroad, and such party  
4 shall, upon a trial, recover of the town wherein such  
5 injury is received, damages therefor, such town shall,  
6 in addition to the damages so recovered against them,  
7 be entitled to recover all the taxable costs of the  
8 plaintiff and defendant, in the same action, in a suit

9 brought against the corporation owning such rail-  
10 road: *provided*, such railroad corporation be liable  
11 for the damages aforesaid: *and provided, also*, that  
12 reasonable notice shall have been given by such town  
13 to the railroad corporation, so that they might have  
14 defended the original action.

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