

vice of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad, the employee, or in case the injury results in death the legal representatives of such employee, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work. And in case such death is not instantaneous, or is preceded by conscious suffering, said legal representatives may in the action brought under this section, except as hereinafter provided, also recover damages for such death. The total damages awarded hereunder, both for said death and said injury, shall not exceed five thousand dollars, and shall be apportioned by the jury between the legal representatives and the persons, if any, entitled under the succeeding section of this act, to bring an action for instantaneous death. If there are no such persons then no damages for such death shall be recovered, and the damages, so far as the same are awarded for said death, shall be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable. A car in use by or in the possession of a railroad company shall be considered a part of the ways, works or machinery of the company using or having the same in possession, within the meaning of this act, whether such car is owned by it or by some other company or person.

Employers liable in certain cases for injuries to employees.

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

Approved June 21, 1894.

AN ACT RELATING TO THE PAR VALUE OF SHARES OF THE CAPITAL STOCK OF CERTAIN CORPORATIONS.

Chap. 500

Be it enacted, etc., as follows:

The par value of shares in the capital stock of any corporation organized for any of the purposes mentioned or referred to in sections seven, eight, thirteen and fourteen of chapter one hundred and six of the Public Statutes may be one hundred dollars, or any smaller sum, not less than twenty-five dollars, fixed in its articles of association; and any such corporation, at a meeting of its stockholders called for the purpose, may change the par value of its shares: *provided*, that a certificate of such change shall, within ten days thereafter, be made, signed and sworn to

Certain corporation may change par value of its shares.

Proviso.

by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

Approved June 21, 1894.

Chap.501 AN ACT RELATING TO BONDS ISSUED BY ELECTRIC LIGHT COMPANIES.

Be it enacted, etc., as follows :

Repeal.

SECTION 1. So much of section two of chapter three hundred and seventy-one of the acts of the year eighteen hundred and ninety, relative to bonds issued by electric light companies, as provides that the proceeds of all bonds shall be applied to the payment of obligations incurred for the enlargement or extension of the plant or for the purchase of real estate for the use of the company or for the payment of liabilities existing at the time of the passage of said act, is hereby repealed.

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

Approved June 21, 1894.

Chap.502 AN ACT RELATIVE TO THE INCREASE OF THE CAPITAL STOCK AND BONDS OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows :

P. S. 112, § 60,
amended.

Section sixty of chapter one hundred and twelve of the Public Statutes is hereby amended by striking out all after the word "Commonwealth", in the fifth line, and inserting in place thereof the following words: — or of building depots, or of abolishing grade crossings, or of making permanent investments or improvements, or of funding its floating debt, or of refunding its funded debt, or for the payment of money borrowed for any lawful purpose, or for other necessary and lawful purposes, may, from time to time, with the approval of the railroad commissioners, increase its capital stock or bonds beyond the amounts fixed and limited by its articles of association or its charter, or by any act of the general court concerning the same. The amount of said increase shall be determined upon petition of the railroad corporation by the board of railroad commissioners, who shall, within thirty days after final hearing on said petition, file in the office of the secretary of the Commonwealth a certificate showing the amount and purposes of the increase, and the company shall not apply such increase or the proceeds thereof to any purpose not specified in said certificate, and may be