

SENATE No. 333.

Commonwealth of Massachusetts.

SENATE, May 9, 1899.

The committee on Street Railways, to whom was referred the petition of Charles G. Smith for legislation for the incorporation of the Berkshire and Canaan Street Railway Company (accompanied by bill, House, No. 1064), report the accompanying bill.

For the Committee,

WM. H. HODGKINS.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

To incorporate the Berkshire and Canaan Street
Railway Company.

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

1 SECTION 1. Henry D. Sisson, Hildreth K.
2 Bloodgood, Charles G. Smith, J. Henry Rora-
3 back, Samuel A. Eddy, Dyer Stannard, Edwin
4 Wheeler, Frank W. Keyes, Loren P. Keyes,
5 Julius A. Turner, Ralph I. Rhodes, Michael
6 Cagney, Ezra B. Huntley, their associates and
7 successors, are hereby made a corporation under
8 the name of the Berkshire and Canaan street
9 railway company, with all the powers and privi-
10 leges, and subject to all the duties, conditions
11 and restrictions set forth in all general laws
12 which now are or hereafter may be in force re-
13 lating to street railway companies.

1 SECTION 2. Said company may locate, con-
2 struct, maintain and operate its railway with a

3 single or double track, in such manner as may be
4 convenient and necessary, in part upon private
5 land acquired by purchase or lease, and upon
6 streets, highways or state roads in the town of
7 New Marlborough, subject to the approval and
8 control of the selectmen of said towns, as pro-
9 vided by general laws, and subject also to the
10 approval of the Massachusetts highway commis-
11 sion as to any part of said railway located upon a
12 state highway. The location of said railway out-
13 side the public streets and highways shall not
14 exceed fifty feet in width, with convenient turn-
15 outs and switches. The most northerly terminus
16 of said railway shall be the north boundary line
17 of New Marlborough on the western shore of
18 Lake Buell, running southerly in the general
19 course or direction of the Konkapot river, branch-
20 ing to the village of Hartsville, New Marlborough,
21 Southfield and through the village of Mill river
22 to the village of Clayton, all villages in said town,
23 connecting at the village of Clayton on the Mas-
24 sachusetts and Connecticut state line with a street
25 railway of the same name in the town of Canaan,
26 chartered by the Connecticut legislature.

1 SECTION 3. Said company may maintain and
2 operate its railway by any motive power other
3 than steam; may erect and maintain poles and
4 wires on private lands purchased or leased for the
5 purpose of said railway, and, with the consent of
6 the board of selectmen, may erect such poles and
7 wires, and may make such excavations in the

8 streets and highways as may be necessary to es-
9 tablish and maintain such motive power. It may
10 require by purchase or lease all real estate and
11 water power required for its power station, tracks,
12 poles wires, car houses and other uses incident
13 to the proper maintenance and operation of its
14 railway.

1 SECTION 4. The capital stock of said company
2 shall not exceed one hundred thousand dollars:
3 *provided*, that such company may increase its
4 capital stock, subject to the provisions of the
5 general laws relative thereto.

1 SECTION 5. Said company, in order to meet
2 expenses incurred under this act, may issue bonds
3 not exceeding the amount of its capital stock,
4 and payable within a period not exceeding thirty
5 years from the date thereof, secured by mortgage
6 of its franchises and property, subject to the gen-
7 eral laws relative thereto, and in such mortgage
8 may reserve to its directors the right to sell, or
9 otherwise in due course of business to dispose of
10 property included therein which may become un-
11 suitable for use: *provided*, an equivalent in value
12 is substituted therefor.

1 SECTION 6. Said company is hereby author-
2 ized to use its tracks for the transportation of
3 passengers and their baggage, to be a common
4 carrier of small parcels of goods and merchandise,
5 and to carry mails upon and over any street or

6 highway, or over any private land upon which
7 it may be authorized to construct its tracks as
8 aforesaid.

1 SECTION 7. Said Berkshire and Canaan rail-
2 way company, in the exercise of the authority
3 granted by the two preceding sections, shall be
4 subject to the provisions of chapter seventy-three
5 of the Public Statutes and of all laws relating to
6 common carriers.

1 SECTION 8. The authority herein granted shall
2 cease if the proposed road is not constructed and
3 put in operation within three years from the pas-
4 sage of this act.

1 SECTION 9. This act shall take effect upon its
2 passage.

