

HOUSE....No. 187.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 16, 1853.

The Joint Committee on Railways and Canals, to whom was referred the Senate Order of May 12th, and also the House Order of the same date, instructing them to inquire into the expediency of appointing a Board of Railway Commissioners, have considered the same, and report the accompanying bill.

For the Committee,

A. D. PARKER.

Commonwealth of Massachusetts.

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

AN ACT

Providing for the Appointment of a Board of Railway
Commissioners.

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

1 SECT. 1. There shall be appointed by the governor,
2 with the advice of the council, on or before the first
3 day of July next, three persons, to be styled the
4 Board of Railway Commissioners, who shall exercise
5 the powers and perform the duties hereinafter speci-
6 fied, for the term of three years, and until their suc-
7 cessors are appointed and qualified; *provided*, that
8 the governor, with advice of the council, may at any
9 time remove from office any or all of said commis-
10 sioners, and fill all vacancies; *and provided, further,*

11 that no director or other officer or agent of any rail-
12 road corporation shall be eligible as such commis-
13 sioner.

1 SECT. 2. It shall be the duty of said commissioners
2 once at least in every twelve months, to visit every in-
3 corporated railroad in this Commonwealth, and care-
4 fully examine its condition with reference especially
5 to the construction of its track, its curves, crossings,
6 bridges, switches, turn-outs, and connections with
7 other railroads; the construction of its cars and the
8 character of its engines; to inquire into the manage-
9 ment, regulations and instructions of each railroad
10 company in relation to time, speed, signals, and to the
11 inspection of cars and engines: and generally as to
12 the means adopted for the prevention of accidents,
13 and for the protection and safety of passengers and
14 the public. And whenever such commissioners shall
15 discover any defect in the construction of any railroad,
16 or in its equipment or management, which in their
17 judgment endangers the safety of the public or of per-
18 sons using such road, they shall forthwith point out
19 such defect and danger to the president, superintend-
20 ent, or directors of such road.

1 SECT. 3. Whenever any accident shall occur on
2 any railroad in this Commonwealth, by which any
3 person shall suffer the loss of life or limb, or other
4 serious injury, it shall be the duty of said commis-
5 sioners, or some one of them at least, to repair imme-
6 diately on notice thereof to the place of such occur-
7 rence, and investigate, as thoroughly as practicable, its
8 causes and all the facts and circumstances attending

9 it; and a detailed written account of such investiga-
10 tion shall be made and preserved by said commis-
11 sioners.

1 SECT. 4. Said commissioners may summon and ex-
2 amine, under oath, all the directors, officers or agents
3 of any railroad corporation, and such other persons
4 as they may think proper, in relation to any accident,
5 or in relation to any matters which said commissioners
6 are authorized to examine and inquire into by this
7 act; and any such director, officer, agent or other
8 person who shall refuse, without justifiable cause, to
9 appear and testify when thereto required as aforesaid,
10 or who shall obstruct in any way any commissioner
11 in the discharge of his duty as prescribed in this act,
12 shall, on conviction, be subject to a fine not exceed-
13 ing one thousand dollars, or to imprisonment not ex-
14 ceeding one year. And said commissioners shall have
15 power to appoint a clerk of their board, prescribe his
16 duties, and fix his compensation, whenever the public
17 good may in their opinion demand such appointment.

1 SECT. 5. Said commissioners shall annually, in the
2 month of December, make a detailed report to the
3 Secretary of State of all their doings under this act,
4 together with such suggestions as their observation
5 and experience may furnish, with a special view
6 to enable the legislature to make such modifications
7 of existing laws and to enact such additional laws as
8 shall more effectually provide for the protection of the
9 public, and for the security and safety of persons
10 travelling on or employed upon the railroads in this
11 Commonwealth.

1 SECT. 6. Before entering on the duties of their
2 office, said commissioners shall severally make oath
3 before some justice of a court of record, or before
4 any two justices of the peace within this Common-
5 wealth, a certified copy of which shall be returned
6 within thirty days to the office of the Secretary of the
7 Commonwealth, that they will faithfully and impar-
8 tially discharge all the duties incumbent on them in
9 their said office, according to the best of their abilities
10 and understanding.

1 SECT. 7. Each of the aforesaid commissioners
2 shall receive as a compensation for his services, five
3 dollars for each and every day employed by him in
4 the performance of the duties prescribed by this act,
5 together with the same allowance for travel now made
6 by law to county commissioners; and the governor
7 is hereby authorized to draw his warrants on the
8 treasury therefor, and for the compensation prescribed
9 for the services of a clerk of said board, according to
10 the fourth section of this act.

1 SECT. 8. This act shall take effect from and after
2 its passage.

