

SENATE....No. 52.

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Commonwealth of Massachusetts.

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IN SENATE, February 26, 1857.

The Joint Committee on Railways and Canals, to whom was committed the Petition of Joseph S. Luther and others, praying to be incorporated for the purpose of constructing a Railroad from the westerly line of the town of Swanzey, through said town and the town of Somerset to Fall River, report the accompanying Bill.

For the Committee,

M. D. FIELD.

## Commonwealth of Massachusetts.

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

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### AN ACT

To incorporate the Fall River and Warren Railroad  
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    SECT. 1.  Joseph P. Luther, William Pierce, Wil-  
2    liam Wilber, Mason Brown, Benjamin Robinson, their  
3    associates and successors, are hereby made a corpora-  
4    tion by the name of the Fall River and Warren Rail-  
5    road Company, with all the powers and privileges,  
6    and subject to all the duties, liabilities and restric-  
7    tions, set forth in the forty-fourth chapter of the  
8    Revised Statutes, and in that part of the thirty-ninth  
9    chapter of said statutes which relates to railroad cor-

10 porations, and in the several statutes subsequently  
11 passed, relating to railroad corporations.

1   SECT. 2. The said company is hereby authorized  
2 and empowered to locate, construct, fully complete  
3 and maintain, a railroad with one or more tracks, com-  
4 mencing at the line of the State of Rhode Island, in  
5 the town of Swanzey, thence running in an easterly  
6 direction through the towns of Sawnzey and Somer-  
7 set, to the city of Fall River.

1   SECT. 3. The capital stock of said company shall  
2 consist of one thousand shares of one hundred dol-  
3 lars each, and no assessment shall be laid thereon of a  
4 greater amount in the whole, than one hundred dollars  
5 on each share, and no share shall be issued for a less  
6 sum or amount, to be actually paid in on each, than the  
7 par value of the shares which shall be first issued.  
8 And the said company may take, purchase and hold,  
9 such real estate, and may build, purchase and hold,  
10 such engines, cars, materials and other things, as may  
11 be necessary for the use of the said railroad, and for  
12 the transportation of persons, goods and merchandise.

1   SECT. 4. Said company is hereby authorized to  
2 establish and maintain a ferry between the terminus  
3 of their railroad, on the northerly side of Taunton  
4 River, and the city of Fall River; and said company  
5 may receive such tolls for ferriage on the same as the  
6 county commissioners of Bristol county shall, from  
7 time to time, designate.

1   SECT. 5. If the location of the said railroad be not  
2 filed according to law, within two years, or if the said

3 railroad shall not be constructed and completed, with  
4 at least one track, within four years from the passage  
5 of this act, then this act shall be void.

1 SECT. 6. The legislature may authorize any com-  
2 pany to enter, with another railroad, upon and use  
3 the said Fall River and Warren Railroad, or any part  
4 thereof, paying therefor such a rate of toll or compen-  
5 sation as the legislature may, from time to time, pre-  
6 scribe, or as may be fixed by any general law of this  
7 Commonwealth, and complying with such rules and  
8 regulations as may be established by the said Fall  
9 River and Warren Railroad Company.

1 SECT. 7. The legislature may, from time to time,  
2 reduce the rate of tolls or other profits upon the said  
3 railroad; but the tolls shall not, without the consent  
4 of said company, be so reduced as to produce, with  
5 the said profits, less than ten per cent. per annum.

1 SECT. 8. The said company is hereby authorized  
2 to unite with a railroad company which may be incor-  
3 porated by the State of Rhode Island to build a rail-  
4 road connecting the western terminus of the railroad  
5 hereby authorized with the compact part of the town  
6 of Warren, in said State of Rhode Island; and when  
7 the said company shall have become so united, the  
8 stockholders of one company shall become stockhold-  
9 ers of the other company, and the two companies  
10 shall constitute one corporation, by such name as the  
11 united corporation may adopt; and the franchises,  
12 property, power and privileges, acquired under the  
13 authority of the said States respectively, shall be held

14 and enjoyed by all the stockholders in proportion to  
15 the number of shares or amount of property held by  
16 them respectively, in either or both of the said cor-  
17 porations.

1   SECT. 9. One or more of the directors, or other  
2 officers of the said united corporations, shall, at all  
3 times, be an inhabitant of this Commonwealth, on  
4 whom process against the said company may be legally  
5 served; and the said company shall be held to answer  
6 in the jurisdiction where service is made and the pro-  
7 cess is returnable.

1   SECT. 10. The said company shall keep separate  
2 accounts of its expenditures in Massachusetts and  
3 Rhode Island, respectively; and two commissioners  
4 shall be appointed, one by the governor of this State,  
5 and the other by the governor of the State of Rhode  
6 Island, if the said State of Rhode Island shall thereto  
7 agree, to hold their offices for the term of four years,  
8 and to be reasonably compensated by the said com-  
9 pany, who shall decide what portion of all expendi-  
10 tures of the said company, and of the receipts and  
11 profits, properly pertain to that part of the road lying  
12 in the said States, respectively. And the annual  
13 report required to be made to the legislature of this  
14 Commonwealth, shall be approved by the said commis-  
15 sioners.

1   SECT. 11. The said company and the stockholders  
2 therein, so far as the road is situated in Massachusetts,  
3 shall be subject to all the duties and liabilities created  
4 by the provisions of the laws of this Commonwealth,

5 to the same extent as they would have been had no  
6 union of the said companies taken place.

1 SECT. 12. The provisions contained in the four  
2 preceding sections of this act, and all provisions of  
3 this act which contemplate a union of the said com-  
4 panies, shall not take effect until they shall have been  
5 accepted by the stockholders of the said two corpo-  
6 rations, respectively, at legal meetings called for that  
7 purpose.

1 SECT. 13. The said railroad company shall not  
2 commence the construction of its road in this State,  
3 until a certificate shall have been filed in the office of  
4 the secretary of the Commonwealth, subscribed and  
5 sworn to by the president of the said company and a  
6 majority of the directors thereof, stating that all of  
7 the stock named in its charter has been subscribed for  
8 by responsible parties, and that twenty per cent. of the  
9 par value of each and every share of the said stock  
10 has been actually paid into the treasury of the com-  
11 pany.