

eral laws which now are or may hereafter be in force applicable to institutions for savings.

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

Approved February 27, 1872.

Chap. 51. AN ACT TO EXTEND THE TIME FOR LOCATING THE MASSACHUSETTS CENTRAL RAILROAD.

Be it enacted, &c., as follows :

Time for location extended.

SECTION 1. The time for locating the Massachusetts Central Railroad from Stony Brook, westward, is hereby extended to the first day of June in the year one thousand eight hundred and seventy-four. And said company may file the location of its railroad in the county of Hampshire from some point on King street, in Northampton, to the easterly boundary of the town of Greenwich, there to connect with its location in the county of Worcester.

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

Approved February 27, 1872.

Chap. 52. AN ACT TO AUTHORIZE THE TOWN OF EVERETT TO RAISE ADDITIONAL FUNDS TO COMPLETE THEIR WATER WORKS.

Be it enacted, &c., as follows :

May raise money by taxation or loan to complete water works.

SECTION 1. The town of Everett is hereby authorized for the purposes mentioned in chapter two hundred and five of the acts of the year eighteen hundred and seventy-one, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand dollars in addition to the amount therein authorized, upon like terms and conditions, and with like powers in all respects as are provided in said act for the raising of money.

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

Approved February 27, 1872.

Chap. 53. AN ACT TO AUTHORIZE THE FORMATION OF RAILROAD CORPORATIONS.

Be it enacted, &c., as follows :

Twenty-five persons, a majority being inhabitants of the state, may become a railroad corporation.

SECTION 1. Any number of persons, not less than twenty-five, a majority of them being inhabitants of this state, may associate themselves together by articles in writing, with the intention of forming a corporation for the purpose of locating, constructing, maintaining and operating a railroad for public use in the conveyance of persons and property ; and, upon complying with the provisions of section ten of this act, shall, with their associates and successors, be and remain a corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force

Powers and duties.

relating to railroad corporations, except as is herein otherwise provided.

SECTION 2. The articles of association shall set forth the name of the corporation; the termini of the railroad proposed to be built; its length, as near as may be, and the name of each city, town and county through or into which it will extend; and the gauge of the railroad, which shall be either four feet eight and a half inches or three feet; the amount of the capital stock of the corporation, which shall not be less than fifteen thousand dollars for each mile of road, when the gauge is four feet eight and a half inches, and not less than eight thousand dollars for each mile when the gauge is three feet, and divided into shares of one hundred dollars each; and the names of at least nine persons to act as a board of directors until others are chosen by the corporation. Each associate shall subscribe to the articles his name, residence, post-office address, and the number of shares of stock which he agrees to take; but no subscriber shall be bound to pay beyond ten per centum of the amount of his subscription, unless a corporation is duly established under the provisions of this act.

Articles of association to set forth gauge and termini of road and names of places into which it extends, etc.

Capital stock and shares.

Directors.

SECTION 3. The corporate name assumed shall be one not in use by any other railroad corporation in this state, shall contain the words "railroad company" at the end thereof, and shall be changed only by act of the legislature.

Corporate name not in use by another railroad.

SECTION 4. The directors shall be subscribers to the articles of association, and a majority of them shall be inhabitants of this state. They shall appoint a clerk to keep a record of their doings, and a treasurer, who shall hold their respective offices until a clerk and treasurer of the corporation are chosen. The directors shall fill any vacancy in their board, or in the office of clerk or treasurer, caused by resignation, death, or other disability.

Directors to be subscribers to articles of association, and a majority to be inhabitants of state;

—to appoint clerk and treasurer;
—to fill vacancies.

SECTION 5. The directors shall cause a copy of the articles of association to be published in one or more newspapers in each county in which the road is proposed to be located, at least once a week for three successive weeks, and also cause a copy of said articles to be posted in each city or town in which said road is proposed to be located, at least three weeks before proceeding to fix the route of said road. The sworn certificate of the clerk shall be evidence of the posting and publication.

Articles of association to be published in newspapers, and posted in towns where road is to be located.

SECTION 6. The directors shall prepare a map of the proposed route on an appropriate scale; with a profile thereof on a vertical scale of ten to one as compared with the horizontal scale; and with the report of a skilful engineer,

Map of route to be prepared together with a report of a skilful engineer.

based on actual examination and survey, showing the kind and amount of excavation, filling, bridging and masonry required, the number of highways and other railroads, if any, and of navigable streams and tide-waters to be crossed, and the manner of crossing the same, the general profile of the surface of the country through which the road will pass, the feasibility of the route, the manner of constructing the road, and a detailed estimate of the cost of construction.

Route of road through towns and cities may be agreed upon by directors and selectmen, etc.

SECTION 7. Whenever the selectmen of any town or the mayor and aldermen of any city named in the articles of association, after notice to parties interested within the town or city, exhibition of the map, and hearing, shall agree with the directors as to the proposed route or any route of their railroad in said town or city, such agreement shall be sufficient to fix the same; and said selectmen or mayor and aldermen shall sign a certificate of the same, setting forth said route, to be given to the directors.

If route is not agreed upon, it may be fixed by railroad commissioners.

SECTION 8. Whenever the directors fail to agree with the selectmen of any town or the mayor and aldermen of any city as to the route of their railroad in such town or city, said directors may petition the board of railroad commissioners to fix the route in said town or city, who, after due notice to said selectmen or mayor and aldermen, shall hear the parties and fix the route in such town or city. Said board shall make a certificate setting forth the route as fixed by them; and the same shall be certified by the clerk of said board to the directors. The costs of the petition shall be paid by the directors. All variations from the route first proposed shall be made upon the map.

Variations from first route to be made upon map. When capital stock required has been subscribed for and ten per cent. paid in cash, certificates thereof and of publication etc. to be presented to railroad commissioners.

SECTION 9. When the amount of capital stock named in section two has been subscribed to the articles of association in good faith by responsible parties, and at least ten per centum of the par value of each and every share thereof actually paid in cash to the treasurer of the association, the directors, clerk and treasurer shall endorse upon the articles of association, or annex thereto, their certificate, setting forth these facts, and that it is intended in good faith to locate, construct, maintain and operate the railroad fixed as aforesaid, and shall also annex to said articles said certificate of publication and the several certificates fixing the route of said railroad, and shall present the same to the railroad commissioners, together with the map and report of the engineer for their inspection; and said map shall be deposited with said commissioners.

Articles of association to be certified by

SECTION 10. Whenever it is shown to the satisfaction of the board of railroad commissioners that the requirements

of this act preliminary to the establishment of the corporation have been complied with, the clerk of said board, upon their order, shall endorse upon the articles of association or annex thereto, a certificate, setting forth the fact that the requirements of the law appear to have been complied with. The directors shall thereupon file the articles of association, with all the certificates endorsed thereon or annexed thereto, in the office of the secretary of the Commonwealth; who, upon the payment to him of fifty dollars, shall record the same in a book to be kept for that purpose, and shall issue a certificate substantially in the following form:—

commissioners when the law has been complied with;

—to be filed in office of secretary of the Commonwealth together with all certificates.

Fee for recording.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [names of the subscribers to the articles of association] have associated themselves with the intention of forming a corporation under the name of the [name of the corporation] for the purpose of locating, constructing, maintaining and operating a railroad [description of the road as in the articles of association] and have complied with the statutes of this Commonwealth in such cases made and provided: now, therefore, I, [name of the secretary] secretary of the Commonwealth of Massachusetts, do hereby certify that the persons aforesaid, their associates and successors, are legally established as a corporation, under the name of the [name of the corporation], with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to railroad corporations

Form of certificate to be issued by the secretary.

In witness whereof, I have hereunto subscribed my official signature, and affixed the seal of said Commonwealth, this day of in the year [Day, month and year].

The certificate, so executed, shall be recorded with the articles of association; and the original certificate, or a duly certified copy of the record thereof, shall be conclusive evidence of the establishment of the corporation at the date of such certificate. All moneys received by the secretary under this section, shall be included in his quarterly returns of fees, and paid into the treasury.

SECTION 11. The first meeting of the corporation shall be called by a notice signed by a majority of the directors, stating the time, place and purpose of such meeting; and the clerk shall, seven days at least before the day appointed therefor, deliver to each subscriber, or leave at his usual place of business or residence, or deposit in the post-office, prepaid, and directed to him at his post-office address, a copy of such notice. The clerk shall make an affidavit of his doings in regard thereto, which shall be recorded with the records of the corporation.

First meeting of corporation.

SECTION 12. Such corporation may enter with its railroad upon, unite with and use any other railroad which it may

May enter upon and unite with other roads.

May cross roads at grade, etc., only as railroad commissioners approve.

May cross navigable waters, subject to approval of harbor commissioners.

Location of road may be changed by county commissioners, if any party is unnecessarily damaged.

Compensation of commissioners, how paid, etc.

Map, profile, etc., to be filed in office of secretary within one year after completion of road.

Capital stock may be increased; certificates thereafter be filed with secretary.

cross or meet, subject to the provisions of law; but such railroad shall not in any case cross at grade any other railroad; nor shall it be constructed across an existing railroad except in such manner as shall be approved by the board of railroad commissioners, nor across navigable or tide-waters, except with the approval of the board of harbor commissioners, and in such manner as shall be approved by the last-named board.

SECTION 13. Whenever any party is aggrieved by the location of such railroad, by reason of its crossing his land in such manner as to be of grievous damage, when such damage could be avoided without serious injury to others, such party shall have the right, within thirty days after having been furnished with the plan required by law, of his land taken for the construction of the road, to petition the county commissioners of the county where the land lies, who shall give due notice and hear the parties. And if it shall appear that such location will greatly and unnecessarily damage the complainant, and that the same can be changed so as to avoid such damage, in whole or in part, without material detriment to the line of the railroad, and without great injury to other parties, the commissioners shall change such location accordingly. Said commissioners shall hear the parties, either at their regular meeting or at a meeting called by their chairman for the purpose, and shall make and give to each party a certificate of their determination in the premises, within sixty days after receiving the petition. The compensation of said commissioners, which shall not exceed five dollars per day, their necessary expenses and the costs of the petition, shall be paid by the corporation, unless the commissioners shall decide that the petition was frivolous, in which case such compensation, expenses and costs shall be paid by the petitioner. And such compensation and expenses of the commissioners shall be retained by them to their own use.

SECTION 14. Within one year after its road is completed and put in operation, the corporation shall cause a map and profile thereof, with tables of grade and curvature, and a statement of the other characteristics of the road, in such form as the board of railroad commissioners may prescribe, to be certified by its president and engineer, and filed in the office of the secretary of the Commonwealth.

SECTION 15. If the capital stock of the corporation is found to be insufficient for the construction or equipment of its road, the directors, upon being authorized by a majority of the votes at a meeting of the stockholders called for the

purpose, may increase the same from time to time, to the amount necessary for the purposes aforesaid, a certificate of which shall be filed with the secretary of the Commonwealth.

SECTION 16. Whenever the corporation does not begin the construction of its road and expend thereon at least ten per centum of the amount of its original capital stock, within two years after the date of the certificate of its establishment, and does not complete and put in operation its road within four years after said date, its corporate powers and existence shall cease.

Construction of road to be commenced within two years and to be completed within four years.

SECTION 17. No other railroad corporation shall subscribe for, take or hold any stock or bonds of any railroad corporation organized under this act, whether directly or indirectly, unless specially authorized by the legislature.

Stock and bonds not to be held by another railroad corporation, except by authority of legislature. Provisions of this act, and franchises, etc., established under it, may be altered or annulled by legislature.

SECTION 18. The provisions of this act, and the franchises, rights, powers, privileges, duties and liabilities of railroad corporations established under this or any other general act, may be altered, amended or repealed, and the legislature may annul or dissolve any such corporation.

SECTION 19. This act shall take effect upon its passage.

Approved February 28, 1872.

AN ACT TO EXTEND THE TIMES FOR COMMENCING AND COMPLETING THE CAPE COD SHIP CANAL.

Chap. 54.

Be it enacted, &c., as follows:

SECTION 1. The times fixed by chapter thirty-six of the acts of the year eighteen hundred and seventy, for commencing and completing the Cape Cod Ship Canal are hereby extended three years.

Times for commencing and completing extended.

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

Approved February 28, 1872.

AN ACT IN ADDITION TO AN ACT CONCERNING THE DRAW IN CHARLES RIVER BRIDGE.

Chap. 55.

Be it enacted, &c., as follows:

SECTION 1. The draw required in Charles River Bridge under the provisions of chapter two hundred and seventy-two of the acts of the year eighteen hundred and sixty-nine, shall have a clear opening of thirty-six feet in width, instead of forty-four feet as provided in said act.

Draw in Charles River Bridge to have clear opening of thirty-six feet, 1869, 272.

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

Approved February 28, 1872.

AN ACT TO INCORPORATE THE MINERS' SAVINGS BANK OF WEST STOCKBRIDGE.

Chap. 56.

Be it enacted, &c., as follows:

SECTION 1. John J. Loughson, George W. Kniffin, Lawrence Moffat, their associates and successors, are hereby made

Corporators.