

## SENATE....No. 87.

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### Commonwealth of Massachusetts.

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IN SENATE, March 11, 1845.

The Committee on Railways and Canals, to which was committed the petition of Levi Warren and others, praying for an act of incorporation for the purpose of constructing a rail-road from the Fitchburg Road in Shirley, through Townsend, to the line of the State of New Hampshire, report the accompanying Bill.

For the Committee,

CHARLES STEARNS

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Five.

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### AN ACT

To incorporate the Peterborough and Shirley Rail-road 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. Samuel Appleton, Levi Warren, Elea-  
2    zer Brown, Isaac Parker, Cyrus Harris, James  
3    Walker, Jonas M. Melville, George Elliot, and  
4    Leonard M. Parker, their associates and successors,  
5    are hereby made a corporation, by the name of the  
6    Peterborough and Shirley Rail-road Company, with  
7    all the powers and privileges, and subject to all the  
8    duties, restrictions and liabilities contained in the  
9    forty-fourth chapter of the Revised Statutes, and in

10 that part of the thirty-ninth chapter of said statutes,  
11 and the general statutes subsequently passed, relat-  
12 ing to rail-road corporations.

1 SECT. 2. Said company may construct and main-  
2 tain a rail-road with one or more tracks, for the  
3 transportation of persons and merchandise, from a  
4 point on the Fitchburg Rail-road, near the Nashua  
5 River, in Shirley, and thence running in a northerly  
6 direction, through the towns of Shirley and Towns-  
7 end, to the line of New Hampshire, at Mason, pass-  
8 ing on the most eligible route, through or near the  
9 Morse village, so called, in Shirley, and through or  
10 near the Harbour, the Centre, and West Village, so  
11 called, in Townsend.

1 SECT. 3. The capital stock of said corporation  
2 shall not exceed three hundred and fifty thousand  
3 dollars, and shall be divided into shares of one hun-  
4 dred dollars each, and said company may purchase  
5 and hold such real estate, and engines, cars, and  
6 other property, as may be found necessary for the  
7 purposes of said road.

1 SECT. 4. The said rail-road company may enter  
2 their road, by proper turnouts and switches, upon  
3 the Fitchburg Rail-road, at the point mentioned in  
4 the second section of this act, paying for the use of  
5 the same, or any part thereof, such a rate of toll, or  
6 compensation, as may be mutually agreed on by the  
7 parties, or as the Legislature may, from time to  
8 time, prescribe, and complying with such reasonable  
9 rules and regulations as may be established by said

10 Fitchburg Rail-road Company : *provided, however*, the  
11 said rail-road company shall not enter upon said  
12 Fitchburg Rail-road, with any motive power, unless  
13 the said Fitchburg Company shall refuse to draw  
14 over their road, or any part thereof, the cars of said  
15 company hereby incorporated.

1 SECT. 5. The Legislature may authorize any rail-  
2 road Corporation to enter their road upon the road  
3 of the company hereby incorporated, upon the same  
4 terms and conditions, as are prescribed, in the pre-  
5 ceding section, for the entrance of the road of said  
6 company upon the road of the said Fitchburg Rail-  
7 road Company.

1 SECT. 6. If the said company shall not, within  
2 three years, file a location of their route in the man-  
3 ner required by law, and shall not, within five years,  
4 complete one track of said road as far as Townsend  
5 West Village, then this act shall be void.

1 SECT. 7. The said company is hereby authorized  
2 to unite with any rail-road company which is, or may  
3 be, incorporated in the State of New Hampshire,  
4 with authority to build a rail-road from Peterborough  
5 to the State line, at the terminus of said rail-road  
6 hereby authorized to be constructed. And when  
7 the two companies shall have so united, the stock-  
8 holders of the one company shall become the stock-  
9 holders of the other company, and the two compa-  
10 nies shall constitute one corporation, by the name of  
11 the Peterborough and Shirley Rail-road Company ;  
12 and the franchise, property and power acquired un-

13 der the authorities of the said States respectively,  
14 shall be held and enjoyed by all the stockholders, in  
15 proportion to the number of shares or amount of  
16 property held by them respectively, in either or both  
17 of said corporations.

1 SECT. 8. One or more of the directors, or other  
2 officers of said united corporations, shall at all times  
3 be an inhabitant of this Commonwealth, on whom  
4 process against said company may be legally served,  
5 and said company shall be held to answer in the  
6 jurisdiction where the service is made and the pro-  
7 cess is returnable.

1 SECT. 9. Said company shall keep separate ac-  
2 counts of their expenditures in Massachusetts and  
3 New Hampshire respectively ; and two commission-  
4 ers shall be appointed, one by the Governor of each  
5 State, to hold their offices for the term of three years,  
6 and to be reasonably compensated by said company,  
7 who shall decide what portion of all expenditures of  
8 said company, and of its receipts and profits, prop-  
9 erly pertain to that part of the road lying in the two  
10 States respectively ; and the annual report required  
11 to be made to the Legislature of this Commonwealth  
12 shall be approved by said commissioners.

1 SECT. 10. Said company, and the stockholders  
2 therein, so far as their road is situated in Massachu-  
3 setts, shall be subject to all the duties and liabilities  
4 created by the provisions of the laws of this Com-  
5 monwealth, to the same extent as they would have  
6 been if the union of said companies had not taken  
7 place.

1 SECT. 11. The provisions contained in the four  
2 preceding sections, and all the provisions of this act,  
3 which contemplate a union of said companies, shall  
4 not take effect until similar provisions shall have  
5 been authorized and adopted by the authorities of  
6 the State of New Hampshire, nor until said provi-  
7 sions shall have been accepted by the stockholders  
8 of said two corporations respectively, at legal meet-  
9 ings called for that purpose.

1 SECT. 12. This act shall take effect from and after  
2 its passage.