

## SENATE....No. 108.

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### Commonwealth of Massachusetts.

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IN SENATE, March 17, 1845.

The Joint Committee on Railways and Canals, to which was committed the Petition of Andrew Robeson and others, praying for liberty to construct a Rail-road from the Fall River Branch Rail-road in Taunton to Bridgewater, report the accompanying Bill.

L. CHILD, *Chairman.*

Commonwealth of Massachusetts.

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

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AN ACT

To establish the Middleborough Rail-road Corporation.

*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. Andrew Robeson, Nathan Durfee, Peter  
2 H. Peirce, Philander Washburn, their associates, and  
3 successors, are hereby made a corporation by the name  
4 of the Middleborough Rail-road Corporation, with all  
5 the powers and privileges, and subject to all the duties,  
6 restrictions and liabilities, set forth in the forty-fourth  
7 chapter of the Revised Statutes, and in that part of  
8 the thirty-ninth chapter of said statutes and all stat-  
9 utes subsequently passed, relating to rail-road corpo-  
10 rations.

1    SECT. 2. Said Corporation may construct a rail-  
2 road from a point in the town of Bridgewater, on any  
3 rail-road which may be constructed to that town, and  
4 connecting therewith, through the town of Middlebo-  
5 rough, and near the four corners in said town, crossing  
6 the New Bedford and Taunton Rail-road near My-  
7 rick's Corner in the town of Taunton, in such manner  
8 as not to interfere with the depot buildings of said  
9 road, to a convenient point on the Fall River Branch  
10 Rail-road in the town of Taunton.

1    SECT. 3. Said Middleborough Rail-road Corpora-  
2 tion are hereby authorized, by proper turn outs and  
3 switches, to enter upon said Fall River Branch Rail-  
4 road in the town of Taunton and upon any rail-road  
5 which may be constructed to the town of Bridgewater  
6 at any convenient point in said Bridgewater, and use  
7 said roads or any part thereof, paying therefor such a  
8 rate of toll or compensation as the Legislature shall  
9 from time to time be agreed upon, or as the Legisla-  
10 ture shall establish; and complying with such rules  
11 and regulations as said corporations shall respectively  
12 establish: *Provided, however,* that the corporation  
13 hereby established shall not enter upon said roads or  
14 either of them, with any motive power unless the  
15 proprietors of said roads or either of them shall refuse  
16 to draw over their respective roads or any part thereof,  
17 the cars of the corporation hereby created.

1    SECT. 4. The Legislature may authorize any com-  
2 pany to enter with another rail-road, at any point upon  
3 said Middleborough Rail-road, and use the same or  
4 any part thereof, paying therefor such a rate of toll as

5 the Legislature may, from time to time, establish.  
6 *Provided*, that no other corporation shall enter upon  
7 said Middleborough Rail-road with any motive power,  
8 unless the Middleborough Rail-road Corporation shall  
9 refuse to draw over their road the cars of such corpo-  
10 ration.

1 SECT. 5. The capital stock of said Middleborough  
2 Rail-road Corporation, shall consist of not more than  
3 twenty-five hundred shares, the number of which to  
4 be determined, from time to time, by the directors.  
5 And no assessment shall be laid thereon of a greater  
6 amount in the whole, than one hundred dollars on each  
7 share, and said corporation may purchase and hold  
8 such real and personal estate as may be necessary for  
9 the purposes of their incorporation.

1 SECT. 6. If the location of said road be not filed  
2 according to law, or if the corporation shall not com-  
3 plete their road, as is provided for in the second sec-  
4 tion of this act, with at least one track, within three  
5 years from the passage of this act, then the same shall  
6 be null and void.

1 SECT. 7. The Legislature may, after the expira-  
2 tion of four years from the time when said rail-road  
3 shall be opened for use, alter or reduce the rates of  
4 toll or other profits on said road; but said tolls or  
5 profits shall not, without the consent of said corpora-  
6 tion, be so reduced as to produce less than ten per  
7 cent. profit per annum upon the investment of said  
8 corporation.

1 SECT. 8. Said Middleborough Rail-road Corpora-

2 tion, by a vote of its stockholders at a meeting called  
3 by notice to each stockholder for that purpose, may  
4 unite with the Fall River Branch Rail-road Company,  
5 and with any other rail-road corporation which may  
6 have constructed a rail-road from the town of Bridge-  
7 water to any point on the Old Colony Rail-road: *pro-*  
8 *vided*, that the stockholders of the corporation, with  
9 whom such union is to be made, shall, at meetings  
10 called by notice to each stockholder in their respective  
11 corporations for that purpose, agree to the same. And  
12 when such union shall have been made, said united  
13 corporations shall have, possess and hold all the prop-  
14 erty, rights, privileges and franchises, and be subject  
15 to all the duties, restrictions and liabilities, which the  
16 corporations, so united, had enjoyed and been subject  
17 to under their respective charters: *provided*, that no  
18 union between said Middleborough Rail-road Corpora-  
19 tion and said Fall River Branch Rail-road Company,  
20 shall have any legal effect, unless said Fall River  
21 Branch Rail-road Company shall, within thirty days  
22 after the passage of any vote to make such union,  
23 refund to any of its stockholders who within said  
24 thirty days shall demand the same, the amount paid  
25 by them on their stock, with interest thereon; and  
26 upon such payment to such stockholders, the shares  
27 which they respectively hold shall be surrendered to  
28 said company.

1     SECT. 9. This act shall take effect from and after  
2 its passage.

