

SENATE.....No. 17.

Commonwealth of Massachusetts.

IN SENATE, Jan. 28, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of Thomas Robinson and others, praying for leave to construct a Rail-road from North Adams to the line of the State of Vermont, report the accompany bill.

THOS. HOPKINSON, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

To Establish the Adams and Bennington 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. Thomas Robinson, Wm. E. Brayton and
2 John A. Brown, their associates and successors, are
3 hereby made a Corporation, by the name of the Ad-
4 ams and Bennington Rail-road Corporation, with all
5 the powers and privileges, and subject to all the du-
6 ties, liabilities and restrictions, contained in the for-
7 ty-fourth chapter of the Revised Statutes, and in that
8 part of the thirty-ninth chapter of said Statutes,
9 which relates to Rail-road Corporations, and in the
10 public Statutes subsequently passed, relating to such
11 Corporations.

1 SECT. 2. Said Corporation is hereby authorized
2 to locate, construct and maintain a rail-road, with
3 one or more tracts, from the northern termination of
4 the Pittsfield and North Adams Rail-road, in the
5 town of Adams, to the line of the State of Vermont,
6 in the direction toward Bennington, in said State,
7 passing from said Pittsfield and North Adams Rail-
8 road, northwesterly and northerly, along or near the
9 valley of the Hoosuc River, near the Centreville
10 Factory, in said Adams, and in the most convenient
11 and suitable direction through a part of the town of
12 Williamstown, to the line of the State of Vermont,
13 at a convenient point, to unite the same with the
14 Western Vermont Rail-road, to be constructed from
15 said State line through Bennington to Rutland, in
16 said State.

1 SECT. 3. The capital stock of said Corporation
2 shall consist of not more than two thousand shares,
3 the number of which shall be determined, from time
4 to time, by the directors thereof, and no assessment
5 shall be laid thereon of a greater amount in the
6 whole than one hundred dollars on each share.

1 SECT. 4. If the location of said rail-road be not
2 filed, according to law, within three years from the
3 first day of April next, or if the said rail-road shall
4 not be completed within four years from said first
5 day of April, this act shall be void.

1 SECT. 5. The said Corporation may unite the
2 track of their road, by proper turnouts and switches,
3 with the track of the said Pittsfield and North Ad-

4 Adams Rail-road, at or near their station, in said North
5 Adams, paying all the expenses of such union ; *pro-*
6 *vided* the same shall be at a place and in a manner
7 not to obstruct the convenient and beneficial use of
8 said Pittsfield and North Adams Rail-road, or to in-
9 terfere with any of their buildings or fixtures.

1 SECT. 6. The Legislature may authorize any oth-
2 er Rail-road Corporation, at their own expense, to
3 unite the tracks of another rail-road with the tracks
4 of said Adams and Bennington Rail-road, at any
5 point thereof, by proper turnouts and switches, *pro-*
6 *vided* the same shall not obstruct the convenient and
7 beneficial use of said Adams and Bennington Rail-
8 road, or interfere with any of their buildings or fix-
9 tures.

1 SECT. 7. The Legislature may, after the expira-
2 tion of five years from the time when the said rail-
3 road shall be opened for use, from time to time,
4 reduce the rates of fare, or other profits, upon that
5 part of said rail-road within this State ; but the same
6 shall not be so reduced, without the consent of said
7 Corporation, as to produce with said profits less than
8 ten per cent. per annum.

1 SECT. 8. The said Corporation may transfer their
2 rights, privileges, franchises and property under this
3 charter, to the said Pittsfield and North Adams Rail-
4 road Corporation, which Corporation are authorized
5 to receive and hold the same, whenever the stock-
6 holders in the said corporations shall determine at a
7 legal meeting called by them respectively for such

8 purpose; and in that case the capital stock of the
9 said Pittsfield and North Adams Rail-road Corpora-
10 tion may be increased to an amount not exceeding
11 the sum of the joint capital of both Corporations.

1 SECT. 9. The said Adams and Bennington Rail-
2 road Corporation, or the said Pittsfield and North
3 Adams Rail-road Corporation, after the transfer
4 made as provided in the preceding section, may unite
5 with the Western Vermont Rail-road Company, a
6 Corporation created by the Legislature of the State
7 of Vermont for the construction of the whole or a
8 part of a rail-road from the south line of said State of
9 Vermont to the town of Rutland in said State, by
10 votes of the stockholders of both Corporations, and
11 when the said Corporations shall be so united the
12 stockholders of one Corporation shall become stock-
13 holders in the other, and the said two companies
14 shall constitute one Corporation, under the name of
15 the Western Vermont and Massachusetts Rail-road
16 Company, with a capital not exceeding the amount
17 of the joint capital of both Corporations; and all
18 the franchises, rights, powers, privileges, and pro-
19 perty granted to, or held by, either of said Corpo-
20 rations, under the authority of said States respec-
21 tively, shall be held and enjoyed by all the said
22 stockholders in proportion to the amount of property
23 or interest held by them in either or both of said
24 Corporations.

1 SECT. 10. After said union, one or more of the
2 directors or other officers of said new Corporation,
3 shall at all times be a resident in this State, on whom

4 processes against said company, and notices to the
5 same, may be legally served ; and said Corporation
6 shall be held to answer within the jurisdiction where
7 the service is made and the process is returnable.

1 SECT. 11. The said Corporation shall keep sepa-
2 rate accounts of their expenditures in each State,
3 and two commissioners shall be appointed, one by
4 the Governor of each State, to hold their offices for
5 the term of four years, and to be reasonably com-
6 pensated by said Corporation, who shall decide
7 what proportion of all the expenditures of said Cor-
8 poration, and of their receipts and profits properly
9 pertain to that part of the road lying in each State
10 respectively ; and their certificate thereof shall be
11 annexed to the annual report required to be made to
12 the Legislature of this State ; and said annual report
13 shall be approved by said Commissioners.

1 SECT. 12. Said Corporation, and the stockholders
2 therein, so far as their road shall be situated in this
3 State, shall be subject to all the duties and liabilities
4 of the Adams and Bennington Rail-road Corpora-
5 tion, created by the provisions of this act, and the
6 laws of this State, to the same extent that the said
7 Adams and Bennington Rail-road Corporation would
8 have been liable, if no union had taken place.