

SENATE....No. 46.

Commonwealth of Massachusetts.

IN SENATE, February 28, 1849.

The Joint Committee on Railways and Canals, to which was committed the petition of Henry Sargent and others, praying for authority to construct a railroad from Indian Orchard to the Western Railroad, report the accompanying Bill.

TAPPAN WENTWORTH, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

To incorporate the Indian Orchard Railroad 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. Warren Delano, Junior, Timothy W.
2 Carter, Addison Ware, and Frederick A. Barton, their
3 associates and successors, are hereby made a corpora-
4 tion, by the name of the Indian Orchard Railroad
5 Corporation, with all the powers and privileges, and
6 subject to all the duties, liabilities, and restrictions,
7 set forth in the forty-fourth chapter of the Revised
8 Statutes, and in that part of the thirty-ninth chapter
9 of said statutes which relates to railroad corpora-
10 tions, and in all the general laws which are now, or
11 may be hereafter, in force, relating to railroad corpo-
12 rations in this Commonwealth.

1 SECT. 2. The capital stock of said corporation
2 shall not exceed fifty thousand dollars, divided into
3 shares of one hundred dollars each, the number of
4 which shall be determined by the directors, from time
5 to time; and said corporation may purchase and hold
6 such real and personal estate as may be necessary for
7 the purposes of their incorporation.

1 SECT. 3. The said corporation may locate, con-
2 struct, maintain, and use a railroad, with one or more
3 tracks, from some convenient point on the land of
4 the Indian Orchard Canal Company, upon and near
5 the southerly side of Chicopee River, in the town of
6 Springfield, passing in the most convenient and feasi-
7 ble direction to the Western Railroad, within the
8 said town of Springfield, uniting with said Western
9 Railroad at a point within two miles of the ninety-
10 third milestone upon said Western Railroad.

1 SECT. 4. The said corporation may enter upon
2 and unite their railroad, by proper turnouts and
3 switches, with the said Western Railroad, at the
4 point of intersection with the same, and may use the
5 same under the provisions and restrictions of the
6 laws relating to railroads.

1 SECT. 5. If said corporation be not organized, and
2 if the location of their road be not filed according to
3 law, within years, or if their railroad be not com-
4 pleted within years, this act shall be void.

1 SECT. 6. The Legislature may, after the expira-
2 tion of years from the time when said railroad
3 shall be opened for use, from time to time, alter or

4 reduce the rate of tolls or other profits upon said
5 railroad; but the said tolls, or profits, shall not,
6 without the consent of said corporation, be so re-
7 duced as to produce less than ten per cent. per an-
8 num, upon the investment of said corporation, from
9 the time the same may be paid in by the stockholders.

1 SECT. 7. The Indian Orchard Canal Company
2 may become stockholders in said corporation, and
3 may take a lease of said railroad and its privileges
4 and appurtenances, and may use and run the same
5 upon such terms and conditions as may be mutually
6 agreed upon between the said parties.

1 SECT. 8. The said corporation may transfer all its
2 property, rights, privileges, and franchise, to the
3 Western Railroad Corporation, which may receive,
4 and hold, and use the same, upon such terms and
5 conditions as may be agreed upon between the said
6 two corporations; but the said Indian Orchard Rail-
7 road Corporation shall thereafter preserve their cor-
8 porate organization, and perform all the duties re-
9 quired of them by law, as fully as if such transfer
10 or lease had not been made.

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