

SENATE....No. 154.

Commonwealth of Massachusetts.

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

AN ACT

Relating to Petitions for Railroads, and to Railroad Corporations.

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. No application for an act of incorpora-
2 tion to locate and construct a railroad, in this Com-
3 monwealth, shall be acted upon, unless the petition-
4 ers therefor shall present, at the hearing thereof, a
5 *bona fide* subscription for the stock in the proposed

6 company, equal to fifty per cent. of the capital
7 granted, and which shall be deemed sufficient to com-
8 plete the road; a copy of which subscription, attested
9 by one or more of the leading petitioners, and veri-
10 fied by oath, shall be reported, and filed with the pe-
11 tition.

1 SECT. 2. No application for an increase of capital,
2 by a railroad corporation, shall be granted previous
3 to the opening of its road for travel, unless the then
4 existing capital shall have been taken up and sub-
5 scribed for.

1 SECT. 3. No railroad corporation, incorporated in
2 this Commonwealth, shall commence the construction
3 of its road until three fourths of its capital stock
4 shall have been taken, and unconditionally subscribed
5 for. And it shall be the duty of the directors of such
6 company, within ten days from the commencement of
7 their road, to leave, with the Secretary of the Com-
8 monwealth, a true copy of the subscription to the
9 stock of the company, and shall make oath, (to be
10 certified thereon,) that the same is a true copy of the
11 original subscription, and that said subscription is, in
12 their belief, *bona fide*.

1 SECT. 4. No railroad corporation, incorporated
2 within this Commonwealth, shall, after its rails have
3 been laid down, and the road put in operation, con-
4 tract for, and at any one time owe, debts to a larger
5 amount than is herein provided, to wit: corporations
6 whose capital paid in does not exceed one million,
7 twenty-five per cent. upon the capital paid in; and

8 corporations whose capital exceeds one million, twenty
9 per cent. upon the capital paid in; *provided*, that
10 this section shall not be construed to allow any cor-
11 poration, after its rails have been laid down, and its
12 road put in operation, to add to the former indebted-
13 ness of the corporation, so as to increase the whole
14 amount thereof beyond the per centage herein al-
15 lowed.

1 SECT. 5. If any railroad corporation shall, at any
2 time, be indebted, under a contract based upon an un-
3dertaking assumed after this act shall go into opera-
4tion, in a larger sum than is provided and allowed in
5 the preceding section, it shall forfeit and pay, to the
6 Commonwealth, the sum of thousand dollars;
7 and shall also forfeit and pay, to the Commonwealth,
8 a like sum of thousand dollars, for each and
9 every month it shall so stand indebted, contrary to
10 the provisions of said section. And if any railroad
11 corporation shall fail to leave, with the Secretary of
12 the Commonwealth, the copy, as provided in the third
13 section of this act, it shall forfeit and pay, to the
14 Commonwealth, the sum of one thousand dollars, and
15 shall also forfeit and pay, a like sum of one thou-
16 sand dollars, for each and every month it shall neg-
17 lect to comply with the provisions of said section.

