

SENATE...No. 138.

Commonwealth of Massachusetts.

IN SENATE, March 27, 1861.

The Committee on Railways and Canals, to whom was committed the Petition of John S. Loring and others for authority to build a horse railroad from Kingston to Duxbury, have considered the same, and report the accompanying Bill.

E. L. NORTON, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-One.

AN ACT

To incorporate the Duxbury Railroad 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. John S. Loring, Stephen N. Gifford, and
2 Joshua W. Swift, their associates and successors, are
3 hereby made a corporation by the name of the Dux-
4 bury Railroad Company, with power to construct,
5 maintain and use a railway or railways, with conve-
6 nient single or double tracks, from some point in the
7 town of Kingston, at or near the depot of the Old
8 Colony and Fall River Railroad Company, and upon
9 and over such of the streets and highways of said
10 town as shall be from time to time fixed and deter-
11 mined by the selectmen of said town, with the assent,
12 in writing, of said corporation, filed with said select-

13 men, to the intersection of the same with the streets
14 and highways of the town of Duxbury, and then
15 upon and over such of the streets and highways of
16 the said town of Duxbury as shall be from time to
17 time fixed and determined by the selectmen of said
18 town, with the assent, in writing, of said corporation,
19 filed with the selectmen of said town, and also over
20 and upon such other land in said towns as said cor-
21 poration may elect to build their road or roads upon
22 and over, to some convenient point or points in said
23 town of Duxbury.

1 SECT. 2. Said tracks or roads shall be operated
2 and used by said corporation, with horse-power only;
3 said corporation shall have power to fix, from time
4 to time, such rates of compensation for transporting
5 persons and property as they may think expedient;
6 and the selectmen of said towns shall have power at
7 all times to make all such regulations as to the rate
8 of speed and mode of the use of the tracks as the
9 public convenience and safety may require.

1 SECT. 3. Said corporation shall keep and maintain
2 in repair such portion of the streets and highways,
3 respectively, as shall be occupied by their tracks, and
4 shall be liable for any loss or injury that any person
5 may sustain by reason of any carelessness, neglect or
6 misconduct of any of its agents and servants in the
7 management, construction or use of said roads, tracks
8 or highways; and in case any recovery shall be had
9 against either of said towns, by reason of such defect
10 or want of repair, said corporation shall be liable to
11 pay to said towns, respectively, or either of them, any

12 sums thus recovered against them, together with all
13 costs and reasonable expenditures incurred by them,
14 respectively, in defence of any such writ or writs in
15 which recovery may be had, and said corporation
16 shall not encumber any portion of the streets or high-
17 way not occupied by said road or tracks.

1 SECT. 4. Said corporation is hereby authorized to
2 issue bonds, for the purpose of constructing or equip-
3 ping their road, the amount therefor not to exceed
4 the amount of capital stock paid in of the same kind,
5 in the same manner, upon the same terms, conditions
6 and restrictions, and to be approved, certified, recorded,
7 secured, in all respects in the same way as the Clifton-
8 dale Railroad Company have been authorized by law
9 to issue bonds.

1 SECT. 5. If any person shall wilfully and mali-
2 ciously obstruct said corporation in the use of said
3 road or tracks or the passing of the cars or carriages
4 of said corporation thereon, such person and all who
5 shall be aiding or abetting therein shall be punished
6 by a fine not exceeding five hundred dollars, or by
7 imprisonment in the common jail for a period not
8 exceeding three months.

1 SECT. 6. If said corporation or its agents or ser-
2 vants shall wilfully and maliciously obstruct any
3 highways or passing of any carriages over the same,
4 such corporation shall be punished by a fine not
5 exceeding five hundred dollars.

1 SECT. 7. The capital stock of said corporation
2 shall not exceed forty thousand dollars, to be divided
3 into shares of one hundred dollars each.

1 SECT. 8. Said corporation shall have power to
2 purchase and hold such real estate within said towns
3 as may be convenient or necessary for the purposes
4 and management of said road.

1 SECT. 9. Nothing in this act shall be construed to
2 prevent the selectmen of said towns from entering
3 upon and taking up any of the public streets or high-
4 ways traversed by said railroad for any purpose for
5 which they may now lawfully take up the same.

1 SECT. 10. This act shall be void so far as relates
2 to the right to construct said road in said towns unless
3 the same shall be accepted by the selectmen of said
4 towns, and unless the same shall be accepted by said
5 corporation, and unless said road shall be located
6 within three years from the passage of this act.

1 SECT. 11. Said corporation shall be deemed a
2 railroad corporation so far as to be subject to make
3 such annual returns to the legislature as are or may
4 be prescribed by law, and shall have all the rights and
5 powers of railroad corporations under existing pro-
6 visions of law to purchase or otherwise take, any land
7 necessary for making their railroad outside of the
8 streets and highways, and shall be subject to all
9 existing provisions of law, applicable to railroad cor-
10 porations, for the assessment and payment of damages
11 for land so taken.

1 SECT. 12. This act shall take effect upon its passage.

