

HOUSE....No. 49.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, February 1, 1871.

The Committee on Railways, to whom was referred the petition of the New Bedford and Taunton Railroad Corporation for leave to extend its road to tide-water, and the several petitions in aid thereof, report the accompanying Bill.

Per order,

WILL'D P. PHILLIPS.

## Commonwealth of Massachusetts.

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

### AN ACT

Authorizing the New Bedford and Taunton Railroad  
Corporation to extend its Road

*Be it enacted by the Senate and House of Representa-  
tives, in General Court assembled, and by the authority of  
the same, as follows:—*

1    SECT. 1. The New Bedford and Taunton Railroad  
2 Corporation may, under the provisions of the general  
3 laws, locate, construct, maintain and use a railroad,  
4 with one or more tracks, from a convenient point in  
5 the city of New Bedford, at or near the terminus of  
6 its present road, and in extension of the same, south-  
7 erly to a point in said city at or near tide-water, below  
8 the New Bedford and Fairhaven bridge.

1    SECT. 2. Said corporation may for the purpose  
2 aforesaid and for improving its terminal facilities in

3 the city of New Bedford, increase its capital stock by  
4 an amount not exceeding three hundred thousand  
5 dollars, divided into shares of one hundred dollars  
6 each.

1 SECT. 3. Said extension shall be located within  
2 one year, and constructed within two years after the  
3 passage of this act.

1 SECT. 4. If the railroad of the New Bedford and  
2 Middleborough Railroad Company is located and  
3 constructed on the west side of the Acushnet River,  
4 said company may enter with its railroad upon, and  
5 unite the same with the railroad of the New Bedford  
6 and Taunton Railroad Corporation at any point in the  
7 extension aforesaid, and may use the railroad of said  
8 corporation, subject to the provisions of the general  
9 laws.

1 SECT. 5. If the New Bedford and Middleborough  
2 Railroad Company unites its road with the road of  
3 the New Bedford and Taunton Railroad Corporation  
4 as aforesaid, it may within three years thereafter, pur-  
5 chase and own one undivided half of that portion of  
6 the road, tracks, lands, buildings, wharves and other  
7 fixed property of said last-named company, lying  
8 southerly of the point of junction; and if the New  
9 Bedford and Taunton Railroad Corporation unites its  
10 road with the road of the New Bedford and Middle-  
11 borough Railroad Company, as authorized in the act  
12 incorporating said last-named company, it shall have,  
13 within three years thereafter, a corresponding right of  
14 purchase. In either case, if the parties do not agree

15 upon the price to be paid, it shall be determined by  
16 the board of railroad commissioners, subject to a right  
17 in either party to apply for a jury, as in the case of  
18 damages for land taken for a highway.

1 SECT. 6. The road and other property so owned  
2 in common shall be under the charge of a joint super-  
3 intendent, whose compensation shall be apportioned  
4 between the parties according to their respective use  
5 of the common property. If the parties do not agree  
6 upon the appointment or continuance of a superin-  
7 tendent, or upon his compensation or the apportion-  
8 ment thereof, the board of railroad commissioners  
9 shall appoint and determine the same ; but they shall  
10 not, without the consent of both parties, appoint any  
11 person who has been in the employment of either.  
12 The award of the commissioners shall be subject to  
13 revision by them, upon the petition of either party  
14 and notice to the other after one year from the making  
15 thereof. Both parties, by concurrent action, may at  
16 any time remove a superintendent and appoint an-  
17 other, and fix and apportion his compensation.

1 SECT. 7. After one of the aforesaid corporations  
2 has constructed a railroad extending southerly into  
3 the city of New Bedford beyond the line of Hillman  
4 street in said city, the other shall not extend its road  
5 into said city beyond said line, except by forming a  
6 junction with the road already constructed, and by  
7 purchase as herein before provided ; and both corpora-  
8 tions shall in such case use a common passenger sta-  
9 tion southerly of said line.