

## SENATE....No. 77.

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### Commonwealth of Massachusetts.

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IN SENATE, March 26, 1852.

The Second Committee on Railways and Canals, to which was committed the petition of Mark Fay and others, praying for a charter for a railroad from Marlborough to Feltonville, report the accompanying bill.

C. TORREY, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Two.

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### AN ACT

To incorporate the Marlborough Branch Railroad Com-  
pany.

*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. Mark Fay, Lambert Bigelow, Richard  
2 Farwell, Hollis Loring, their associates and success-  
3 ors, are hereby made a corporation by the name of  
4 the Marlborough Branch Railroad Company, with all  
5 the powers and privileges, and subject to all the  
6 duties, liabilities, and restrictions contained in the  
7 forty-fourth chapter of the Revised Statutes, and in  
8 that part of the thirty-ninth chapter of said statutes  
9 relating to railroad corporations, and in all other  
10 general laws which have been or shall be passed  
11 relating to railroad corporations.

1 SECT. 2. Said company are hereby authorized to  
2 locate, construct, and maintain a railroad, with one  
3 or more tracks, commencing at some point on the  
4 Lancaster and Sterling Branch of the Fitchburg Rail-  
5 road, in the village of Feltonville, so called, in the  
6 town of Marlborough, and extending to the most  
7 convenient point, near the east or west parish, in said  
8 town of Marlborough.

1 SECT. 3. The capital stock of said company shall  
2 consist of not more than one thousand shares, the  
3 number of which shall, from time to time, be deter-  
4 mined by the directors of said company; and no  
5 assessment shall be laid thereon, of a greater amount  
6 in the whole, than one hundred dollars on each share;  
7 and no stock shall be issued by said company at less  
8 than one hundred dollars per share, and the construc-  
9 tion of said railroad shall not be commenced until at  
10 least seventy-five thousand dollars of the capital stock  
11 is actually subscribed for, and at least twenty per  
12 cent. in cash, on each share, paid into the treasury of  
13 said company.

1 SECT. 4. The corporation hereby established may  
2 enter upon and unite their railroad, by proper turn-  
3 outs and switches, with the Lancaster and Sterling  
4 Branch of the Fitchburg Railroad, in the so called  
5 village of Feltonville, and may contract with the  
6 Fitchburg Railroad Company to equip and run their  
7 said railroad.

1 SECT. 5. The Legislature may authorize any  
2 company to enter with a railroad upon, and use the  
3 railroad hereby established, or any part thereof, by  
4 complying with such reasonable rules and regula-  
5 tions as the Marlborough Branch Railroad Company

6 may prescribe, or as may be determined according to  
7 the provisions of law.

1     SECT. 6. The Legislature may, after the expiration  
2 of five years from the time said railroad is opened for  
3 use, from time to time alter or reduce the rates of toll  
4 and other profits upon said railroad; but said tolls or  
5 profits shall not, without the consent of said company,  
6 be so reduced as to produce less than ten per cent.  
7 per annum upon the investment of said company.

1     SECT. 7. If the location of said railroad shall not  
2 be filed within two years, or if the said company shall  
3 not complete the railroad as provided in the second  
4 section of this act, with at least one track, within  
5 three years from the passage of this act, the same  
6 shall be void.

1     SECT. 8. The construction of said road shall not  
2 be commenced until twenty per cent. of the capital  
3 stock shall be paid in the treasury of the said com-  
4 pany, and a certificate of the same, signed and sworn  
5 to by the president and a majority of the directors, is  
6 filed in the office of the secretary of the Common-  
7 wealth.