

HOUSE....No. 134

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 1, 1864.

The Committee on Railways and Canals, to whom was recommitted the Bill in addition to an Act to incorporate the Dighton and Somerset Railroad Company, report the Bill in a new draft.

Per order,

JAMES M. STONE.

Commonwealth of Massachusetts.

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

AN ACT

In addition to an Act to Incorporate the Dighton and Somerset 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. The Dighton and Somerset Railroad
2 Company is hereby authorized to locate, construct,
3 and operate its railroad, as follows: beginning at a
4 point on the railroad of the Old Colony and Newport
5 Railway Company, in either the town of Braintree or
6 the town of Randolph, thence in a general southerly
7 direction, through the town of Braintree, (if the point
8 of beginning is located therein,) and through the
9 towns of Randolph, Stoughton, North Bridgewater,
10 Easton, Raynham, Taunton, Dighton, and Somerset,
11 to Taunton Great River, thence across said river,

12 between said Somerset and the city of Fall River, at
13 a point at or near Storehouse Point, so called, thence
14 through a part of said city of Fall River to the Old
15 Colony and Newport Railroad, at some point between
16 the Somerset station and Miller's station, on said last-
17 named railroad, crossing such coves, inlets, and water-
18 courses as may be necessary. And the Dighton and
19 Somerset Railroad Company is hereby authorized to
20 enter upon and use the railroad of the Old Colony
21 and Newport Railway Company, and the Old Colony
22 and Newport Railway Company is also authorized
23 to enter upon and use the railroad of the Dighton
24 and Somerset Railroad Company.

1 SECT. 2. The bridge by which said Dighton and
2 Somerset Railroad Company shall cross Taunton
3 Great River, between Somerset and Fall River, shall
4 be constructed with two draws, each at least sixty
5 feet wide; which draws shall be opened by said
6 railroad corporation, for the passage of vessels through
7 the same, both by day and by night; the time for
8 which the same shall be kept open to be determined
9 by the commissioner hereinafter provided for; said
10 draws and bridge shall also be provided with suitable
11 and proper lights by said corporation, and said bridge
12 shall be built on piles for at least fourteen hundred
13 feet of its length. Said corporation is hereby author-
14 ized to construct suitable wharves on both sides of
15 the solid part of said bridge, at its westerly end; and
16 the construction of said bridge, wharves and draw,
17 shall be under the direction of some suitable person,
18 appointed as commissioner for that purpose by the
19 supreme judicial court, sitting in any county, on

20 the petition of said railroad company, such notice as
21 the court may order of said petition being first given
22 to the towns of Dighton, Freetown, Berkley and
23 Taunton.

1 SECT. 3. Said Dighton and Somerset Railroad
2 Company is hereby authorized to change and alter
3 the course of Taunton Great River, in Taunton, at a
4 bend in said river, at or near Dean street, so called,
5 for the purpose of avoiding the necessity of crossing
6 the same by one or more bridges at or near said bend ;
7 and if said railroad corporation shall decide so to
8 change the course of the Taunton Great River, such
9 change shall be made under the direction and to the
10 satisfaction of a commissioner to be appointed by the
11 supreme judicial court, sitting in any county, upon
12 petition of said corporation, such notice as shall be
13 ordered by the court being first given to the town of
14 Taunton. And all persons who shall suffer any
15 damages in their property by such change of the
16 course of said river, or whose land shall be taken for
17 the new channel of said river, shall have the same
18 remedy to recover such damages, or for the taking
19 their land, as is now provided by law for the recovery
20 of damages occasioned by the location and construc-
21 tion of railroads.

1 SECT. 4. The capital stock of said Dighton and
2 Somerset Railroad Company is hereby increased to
3 the sum of eight hundred and fifty thousand dollars,
4 divided into shares of one hundred dollars each. And
5 if the Dighton and Somerset Railroad Company, and
6 the Old Colony and Newport Railway Company, at

7 meetings of said two corporations called for that
8 purpose, shall severally vote to unite and form one
9 corporation, then upon the passage of said votes, the
10 said Dighton and Somerset Railroad Company is
11 hereby authorized, upon such terms as the said two
12 corporations may mutually agree upon, to convey and
13 assign to said Old Colony and Newport Railway
14 Company, its franchises and property, and all the
15 rights, easements, privileges and powers granted to it,
16 and the same shall be held and enjoyed by said Old
17 Colony and Newport Railway Company, in as full
18 and ample a manner as if they had been first granted
19 directly to said last-named corporation; and the Old
20 Colony and Newport Railway Company, shall, upon
21 such conveyance being made to them, have and enjoy
22 all the rights, powers, privileges, easements, franchises
23 and property of the Dighton and Somerset Railroad
24 Company, and be subject to all the duties, liabilities,
25 obligations and restrictions imposed upon said last-
26 named corporation. And if said union takes place,
27 the Old Colony and Newport Railway Company is
28 authorized to issue new stock in lieu of the author-
29 ized capital stock of the Dighton and Somerset Rail-
30 road Company, but the whole capital of the Old
31 Colony and Newport Railway Company shall not
32 exceed the aggregate authorized capital of the two
33 companies.

1 SECT. 5. The said Dighton and Somerset Railroad
2 Company shall have the right, and it is hereby granted
3 to it, to cross the track of the New Bedford and
4 Taunton Railroad Corporation, at the expense of said
5 first-named corporation, and in such manner as the

6 two corporations may agree upon; and if said corpo-
7 rations cannot agree upon the manner in which said
8 crossing shall be made, then a commissioner, appointed
9 by the supreme judicial court, sitting in any county,
10 on the petition of either of said corporations, notice
11 thereof being given to the other, shall have full power
12 to determine the manner of such crossing, and whether
13 the same shall be made at grade, or over or under, or
14 whether there shall be any change of grade, and if
15 so, how much of either road; and the crossing
16 shall be made in the manner determined and pre-
17 scribed by said commissioner, and entirely at the
18 expense of the Dighton and Somerset Railroad
19 Company.

1 SECT. 6. Unless the railroad above authorized is
2 located within one year, and constructed within two
3 years from the passage hereof, this act shall be void
4 and of no effect.

1 SECT. 7. At any time after the location of said
2 railroad, and within two years after the construction
3 of the same, the Taunton Branch Railroad Corpora-
4 tion may locate, construct, and operate a railroad
5 from some convenient point on the line of said
6 Taunton Branch Railroad, at or near its terminus in
7 Taunton, to some point in Taunton on the Dighton
8 and Somerset Railroad; or may make such connec-
9 tion over a portion of the New Bedford and Taunton
10 Railroad, with the consent of the New Bedford and
11 Taunton Railroad Corporation: *provided*, such con-
12 nection shall be made on the west side of the Dighton
13 and Somerset Railroad; and said Taunton Branch

14 Railroad Corporation may enter with its said road
15 upon, and unite with and use said Dighton and
16 Somerset Railroad, in the manner, and with all the
17 rights and privileges, and subject to the provisions
18 of the general laws, which are, or may be, in force,
19 relating to connecting railroads. For the above pur-
20 poses, the Taunton Branch Railroad Corporation may
21 increase its capital stock by an amount not exceeding
22 one hundred thousand dollars.

1 SECT. 8. The New Bedford and Taunton Rail-
2 road Corporation may connect its road by a curve,
3 with the Dighton and Somerset Railroad, at a point
4 in Taunton, near the crossing of said railroads, and
5 may enter upon and use the same, subject to the
6 provisions of the general laws which are, or may be,
7 in force, relating to connecting railroads.

1 SECT. 9. The expenses of the commissioners pro-
2 vided for in the second, third, and fifth sections of
3 this act shall be paid by the Dighton and Somerset
4 Railroad Company.

1 SECT. 10. This act shall take effect upon its
2 passage.

