

ACTS

AND

RESOLVES

PASSED BY THE

Legislature of Massachusetts

IN THE YEAR

1844:

TOGETHER WITH THE ROLLS AND MESSAGES.

—
PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.
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Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

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1844.

ports to the secretary of the Commonwealth, setting forth particularly the amount and kind of official business done by them respectively in each county, during the year ending on the last day of the preceding month of December; the number of persons prosecuted; the crimes, offences, or misdemeanors, for which such prosecutions were had, the results thereof, the punishments against any person convicted thereon, and the amount of the bill of costs in each case; abstracts of which reports the secretary of the Commonwealth shall make and submit to the Legislature annually, as early in the month of February as may be practicable.

and the district attorneys to the secretary.

Who shall make abstracts of the same to the Legislature.

SECT. 2. All provisions of law inconsistent with this act are hereby repealed.

Repeal of former laws.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 12, 1844.*]

When to take effect.

An Act respecting the Appropriation of the Property of Minors to their Maintenance and Education.

Chap. 88

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The provisions of the second section of the seventy-eighth chapter of the Revised Statutes shall be extended to the principal as well as to the income of the property of minors therein described; and if such property consists of real estate, the guardian of any such minor may apply to any proper court, for a license to sell the same; and when sold, may appropriate the principal and income of the proceeds of such sale to the maintenance and education of any such minor, according to the provisions of said second section.

Principal as well as income of property of minors to be applied to the use.

Guardians may sell real estate under license court.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 12, 1844.*]

When to take effect.

An Act to establish the Providence and Worcester Rail-road Company.

Chap. 89

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Samuel Wood, Paul Whitin, and John W. Lincoln, their associates and successors, are hereby made a corporation by the name of the Providence and Worcester Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and provisions, contained in that part of the thirty-ninth chapter of the Revised Statutes, which relates to rail-road corporations, and in the several statutes, subsequently passed, relating to such corporations, and in the forty-fourth chapter of the Revised Statutes; and the said corporation is hereby empowered and authorized to locate, construct, and fully com-

Persons incorporated.

Location of road.

plete, a rail-road, with one or more tracks, from a point on the Western Rail-road, at or near the village of Worcester, and thence in the valley of the Blackstone river, in the towns of Worcester, Millbury, Sutton, Grafton, Northbridge, Uxbridge, and Mendon, in the direction towards Providence, in the State of Rhode Island, to a point in the line, in said Mendon, dividing the states of Massachusetts and Rhode Island; and said corporation is also empowered and authorized to locate, construct, and fully complete a rail-road, with one or more tracks, commencing at a point on the Boston and Worcester Rail-road, at or near the Grafton depot, in the town of Grafton, and thence in the valley of the Little Blackstone river, or one of its branches, and the valley of the Little Blackstone river, to a point in said valley, near the junction of the Little Blackstone and the Blackstone rivers, in the town of Grafton, and thence, in the valley of the said Blackstone river, in the towns of Grafton, Northbridge, Uxbridge and Mendon, to a point in the town of Mendon, on the line dividing the states of Massachusetts and Rhode Island, as before mentioned.

Capital not to exceed \$1,000,000 in not more than 10,000 shares.

SECT. 2. The capital stock of said rail-road company shall consist of not more than ten thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and the said corporation may purchase and hold such real estate on the line of said road, and such materials, cars, engines, and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods, and merchandize.

To be located according to law, and completed, as above provided, within three years.

SECT. 3. If the location of said road, on one of the routes before mentioned, be not filed according to law, or if the said company shall not complete said road on one of said routes, to the extent provided for in the first section of this act, with at least one track, within three years from the date of the same, then the same shall be null and void.

The Legislature may grant the use of the road to any other company, provided, &c.

SECT. 4. The Legislature may authorize any company to enter with another rail-road, at any point of said Providence and Worcester Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Providence and Worcester Rail-road Company: *provided, however,* that no other corporation shall enter upon said Providence

and Worcester Rail-road with any motive power, unless the said Providence and Worcester Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon the said Providence and Worcester Rail-road.

SECT. 5. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time reduce the rate of tolls, or other profits, upon said rail-road; but the tolls shall not, without the consent of said company, be so reduced as to produce with said profits, less than ten per cent. per annum.

The Legislature may reduce the toll after five years provided, &c.

SECT. 6. The said Providence and Worcester Rail-road Company are hereby authorized to unite with a rail-road company, which may be empowered by the Legislature of Rhode Island to construct a rail-road from the southern terminus of the rail-road, authorized by this act, to the city of Providence; and when the two companies shall have so united, the stockholders of one company shall become stockholders in the other company, and the two companies shall constitute one corporation by the name of the Providence and Worcester Rail-road Company, and all the franchises, property, powers, and privileges, granted or acquired under the authority of the said states respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations.

Corporation may be united with another company to incorporate Rhode Island

SECT. 7. One or more of the directors, or other officers of said Providence and Worcester Rail-road Company, as is provided in the preceding section, shall, at all times, be an inhabitant of this Commonwealth, on whom processes against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

One director to be inhabitant of Massachusetts

SECT. 8. The said company shall keep separate accounts of their expenditures in Massachusetts and in Rhode Island respectively, and two commissioners shall be appointed, one by the governor of each state, to hold their offices for the term of four years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company and of its receipts and profits, properly pertain to that part of the road lying in Massachusetts and Rhode Island respectively, and the annual report required to be made to the Legislature of this Commonwealth, shall be approved by the said commissioners.

Separate accounts to be kept of expenses, receipts, and profits in the two states, which expenses, &c., shall be estimated by commissioners.

SECT. 9. The said company and the stockholders therein, so far as their road shall be situated in Massachusetts, shall be subject to all the duties and liabilities of the Provi-

Company liable in Massachusetts for portion of the road lying therein.

dence and Worcester Rail-road Company, created by the provisions of this act and the general laws of this state, to the same extent as the said Providence and Worcester Rail-road Company and the stockholders therein would have been, had the whole line of said rail-road been located within the limits of Massachusetts.

The last four sections, when to take effect.

SECT. 10. The provisions contained in the four preceding sections shall not take effect until the Legislature of the state of Rhode Island shall have passed an act containing similar provisions, nor until said provisions shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose. [*Approved by the Governor, March 12, 1844.*]

Chap. 90.

An Act to reduce the Tax on Sales of Teas by Importers at Auction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Tax on auction sales of teas reduced to $\frac{1}{2}$ per cent., provided, &c.

SECT. 1. The tax upon all sales by auction of any tea which may be imported from foreign countries, into any port of this state, and sold by the importers as above within thirty days after such importation, shall be one quarter of one per cent. on the amount thereof, instead of the tax now by law provided.

Repeal of former laws.

SECT. 2. All laws inconsistent with this act, are hereby repealed. [*Approved by the Governor, March 12, 1844.*]

Chap. 91.

An Act to repeal the Act incorporating the Truro Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Act incorporating the Truro Fire and Marine Insurance Company, approved on the twenty-seventh day of February, in the year eighteen hundred and forty-one, is hereby repealed. [*Approved by the Governor, March, 13 1844.*]

Chap. 92.

An Act to incorporate the Episcopal City Mission.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. William Appleton, Henry Codman, and Edward S. Rand, their associates and successors, are hereby made a corporation by the name of The Episcopal City Mission, with all the rights, powers, and privileges, and subject to all the duties, restrictions, and requirements, contained in the forty-fourth chapter of the Revised Statutes so far as the same are applicable to this corporation.