

adjusted according to the mutual agreements already existing, or hereafter to be made, by said companies.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1848.*]

Chap 223.

An Act to incorporate the Salem and Lowell 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 :

Corporators.

SECTION 1. Joseph S. Cabot, Stephen C. Phillips, William Livingston, their associates and successors, are hereby made a corporation, by the name of the Salem and Lowell Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all the statutes subsequently passed, relating to railroad corporations.

Railroad from Salem to Lowell.

SECTION 2. Said corporation may construct and maintain a railroad upon the following route:—Beginning at some convenient point in the city of Salem; thence, passing through the North Parish of Danvers, and along the valley of Crane River, so called; thence, by the paper-mill in Middleton; thence, along the valley of Ipswich River, through Reading, to a point on the Lowell and Lawrence Railroad, in Tewksbury; and thence, along the track of the latter railroad, to Lowell: *provided, nevertheless*, that said corporation may proceed from the depot of the Essex Railroad, at South Danvers, along the valley of Proctor's Brook, so called, to the paper-mill in Middleton, and thence onward, by the route before described.

Proviso.

SECTION 3. In case of crossing the North River at Salem, the said company shall build and maintain a suitable bridge, having a suitable draw for the passing and repassing of vessels; and the said company shall build the bridge, and locate, and make the draw of such width, and shall erect a pier or piers adjacent thereto, in such manner as the county commissioners of the county of Essex shall require, in writing; and the said company shall keep the draw and piers in good repair, and shall open the draw, and afford all reasonable accommodation to vessels having occasion to pass through the same, by day or by night; and if any vessel shall be unreasonably detained in passing the draw, by the negligence of said company in constantly providing agents to discharge faithfully the duties enjoined by this act, the owner, commander, or person having the consignment of said vessel, may recover reasonable damages therefor, of said company, in an action on the case, before any court competent to try the same.

Bridge over North River, with draw;

to be erected as required by county commissioners of Essex.

For neglect of duty, company liable to action for damages.

SECTION 4. The capital stock of said railroad company shall consist of not more than four thousand shares, the number whereof shall be determined by the directors; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and the said company may purchase and hold such real estate, materials, engines, cars, and other things, as may be necessary for depots for the use of said road, and for the transportation of passengers and merchandise.

Capital stock,
not more than
\$400,000;
shares \$100.

SECTION 5. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits, upon said road; but the said income shall not, without the consent of said corporation, be so reduced, as to yield less than ten per cent. per annum to the stockholders.

Legislature
may reduce
tolls.

SECTION 6. If the said company shall not, within one year, file a location of their route in the manner prescribed by law, or if said railroad shall not be completed within three years from the passage of this act, then this act shall be void.

Location and
completion.

SECTION 7. Said company may enter, with their railroad, by proper turn-outs and switches, upon the Essex Railroad, at Danvers or Salem, and upon the Lowell and Lawrence Railroad, at Tewksbury, and may use the same, or any part thereof, paying therefor such rate of toll as may be agreed upon, or as the legislature shall establish, and complying with such reasonable regulations as may be established by the Essex, or Lowell and Lawrence Railroad Companies: *provided*, that the corporation hereby created shall not enter upon said railroads with any motive power, unless the said railroad companies shall refuse to draw over their roads, or any part thereof, the cars of the corporation hereby established.

May use Essex
Railroad and
Lowell and
Lawrence Rail-
road.

Proviso.

SECTION 8. Said corporation may cross the track of the Boston and Maine Railroad, but no connection shall ever hereafter be formed between the tracks of said last-named railroad corporation and those of the corporation hereby created, nor shall the cars of the corporation hereby created be permitted to stop, for the purpose of receiving or delivering passengers or merchandise, at any point upon their own track, within one mile of the track of said Boston and Maine Railroad; and the supreme judicial court of this Commonwealth shall have power to restrain, by injunction, any attempts which shall be made, directly or indirectly, by the corporation hereby created, or by the Boston and Maine Railroad Corporation, to violate the conditions of this section. All injunctions, as aforesaid, may be granted by any justice of the supreme judicial court, according to the ordinary course of proceeding in courts of equity.

May cross the
track of B. & M.
Railroad.

Connection be-
tween the two
routes, for pas-
sengers, &c.,
how prohibited.

Injunction by
supreme ju-
dicial court.

Essex Railroad Company authorized to build part of route.

SECTION 9. The Essex Railroad Company are authorized to build and maintain so much of the route described in the second section of this act, as is included between Salem and the New Mills in Danvers: *provided*, that said Essex Railroad Company allow the corporation hereby created to maintain an independent track over their road-bed, between Salem and the New Mills, as aforesaid.

SECTION 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1848.*]

Chap 224.

An Act to authorize Samuel Aspinwall to extend his Wharf.

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

To extend wharf in East Boston to commissioners' line.

Samuel Aspinwall, proprietor of a wharf situate on Border Street, in that part of Boston known as East Boston, and lying between and adjoining lands and flats of Ebenezer Weeks, and of the heirs of John Snelling, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the ends and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of said flats extended to the said commissioners' line: *and provided also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 28, 1848.*]

Proviso.

Proviso.

Chap 225.

An Act to repeal the charter of the Massachusetts Fire and Marine Insurance Company, and to extend the time for settling its concerns.

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

Powers under act of incorporation to cease on the first day of June next.

SECTION 1. The Massachusetts Fire and Marine Insurance Company shall, from and after the first day of June next, cease to be an insurance company, in the same manner, and to all intents, as if the act incorporating said company, and the several acts in addition thereto, would then have expired by their own limitation.

All acts, &c., by a committee appointed by

SECTION 2. All acts heretofore done, and all conveyances heretofore made, by a committee chosen at a meeting of the