

1791. — Chapter 62.

[January Session, ch. 45.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CHARLES-RIVER FROM THE WESTERLY PART OF BOSTON TO CAMBRIDGE, AND FOR EXTENDING THE INTEREST OF THE PROPRIETORS OF CHARLES RIVER BRIDGE FOR A TERM OF YEARS.

Whereas the erecting a Bridge over Charles River from the westerly part of Boston near the Pest House, so called, to Pelham's Island in the town of Cambridge, would be of great public utility, and Francis Dana and others and Oliver Wendell and others, have respectively petitioned this Court for an Act of incorporation to inpower them to build said Bridge, and many persons in expectation of such an Act have subscribed to a fund for executing and completing the aforesaid purpose.

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the Honorable Francis Dana, the Honorable Oliver Wendell, the Honorable James Sullivan, Henry Jackson Esquire, Mungo Mackay & William Wetmore Esquire so long as they shall continue proprietors in said fund together with all those who are and those who shall become proprietors of said fund or stock, shall be a corporation and body politic under the name of the proprietors of the West Boston Bridge, and by that name may sue and prosecute, & be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things which bodies politick may or ought to do and suffer, and that said corporation shall and may have full power & authority to make have and use a common Seal and the same to break alter and renew at pleasure.

Proprietors incorporated.

And be it further enacted, that the said Francis Dana, Oliver Wendell, James Sullivan, Henry Jackson, Mungo Mackay & William Wetmore or any three of them, may by advertisement in any two of the Boston news papers, warn or call a meeting of the said proprietors, to be holden at Boston aforesaid, at any suitable time after seven days from the publication of said advertisement, and the said proprietors by a vote of a majority of those present or represented at said meeting (accounting and allowing a vote to each share in all cases) shall chuse a Clerk who

Empowered to call a meeting.

To elect a Clerk
and transact
other matters.

shall be sworn to the faithful discharge of his office, and also shall agree on a method for calling future meetings & at the same or any subsequent meeting may make and establish any rules and regulations that shall be convenient or necessary for regulating the said corporation, effecting compleating and executing the purposes aforesaid, and for collecting the toll herein granted, and the same rules and regulations may cause to be kept and executed, & for the breach of any of them may order and enjoin fines and penalties not exceeding *four pounds*; *provided* that said rules and regulations be not repugnant to the Constitution or laws of the Commonwealth; and the said proprietors may also chuse and appoint any other officer or officers of the corporation that they may deem necessary, and all representations of the aforesaid proprietors at said meetings, shall be proved by a special appointment in writing signed by the person making the representation which shall be filed with or recorded by the Clerk, — and this Act and all rules regulations and votes of said corporation shall be fairly and truly recorded by their said Clerk in a book or books for that purpose provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

Proviso.

Toll
established.

And be it further enacted, that for the purpose of reimbursing the said proprietors of the *West Boston Bridge*, the money expended and to be expended in building and supporting said Bridge and of indemnifying them for their risque, a toll be & hereby is granted and established for the sole benefit of said corporation, according to the rates following, *viz*, For each foot passenger or one person passing *two thirds of a penny*, — single horse cart sled or sleigh *four pence*, — one person and horse *two pence two thirds of a penny*, — each wheel barrow hand cart and every other vehicle capable of carrying like weight, *one penny and one third of a penny*, — each single horse and chaise, chair or sulkey *eight pence*, — coaches, chariots, phaetons and curricles *one shilling* each, — all other wheel carriages or sleds drawn by more than one horse *six pence* each, — sleighs drawn by more than one beast *six pence* each, — neat cattle or horses passing over said Bridge, exclusive of those rode or in carriages or teams, *one penny & one third of a penny* each, — swine and sheep *four pence* for each dozen and at the same rate for a greater or less

Rates of —

number, — and in all cases the same toll shall be paid for all carriages passing said Bridge whether the same be loaded or not loaded; and to each team, one man and no more shall be allowed as a driver to pass free from payment of toll; and at all times when the tollgatherer shall not attend his duty the gate or gates shall be left open: — And the said toll shall commence at the day of the first opening of the said Bridge for passengers, and shall continue for & during the term of forty years from the said day, & be collected as shall be prescribed by said corporation.

Commencing & continuation of the toll.

And be it further enacted, that the said Bridge shall be built of good and sufficient materials not less than forty feet wide & well covered with plank or timber suitable for such a Bridge, with sufficient rails on each side for the safety of passengers, and the said Bridge shall be kept accommodated with a number of lamps according to the length of said Bridge, in proportion to the number required to be erected on *Charles River* Bridge, which shall be well supplied with oil and lighted in due season & kept burning untill midnight; and there shall also be made a good and sufficient draw or passage way at least thirty feet wide at some place in said Bridge proper for the passing and repassing of Vessels, through which vessels may pass free of toll, and also there shall be built & maintained in good repair, a well constructed and substantial pier on each side of said Bridge & adjoining the draw; and there shall also be erected at or near the centre of said Bridge a suitable and convenient Watch House in or near which some proper person shall continue & reside from sun setting to sun rising through the year; and the said Bridge shall be kept in good safe and passable repair for the term of forty years to be computed as aforesaid, and at the expiration of said term shall be surrendered in like repair to the Commonwealth; and at the several places where the said toll shall be received there shall be erected by said Corporation and exposed to open view constantly, a board or sign with the rates of toll and of all the tollable articles fairly and legibly written thereon in large or capital letters; and the draw shall be lifted without delay for all vessels without toll or pay, except for such as are so constructed that their masts may be struck and those passing for pleasure; and said Corporation shall also lay out and make or cause to be laid out &

Dimensions and materials.

Lamps.

Draw.

Watch house.

Sign board erected.

Road to be laid out.

made a good road from *Pelham's Island* aforesaid in the most direct and practicable line to the nearest part of the *Cambridge* road.

Annuity to the College.

And be it further enacted, that after the said toll shall commence, the said corporation shall pay annually to *Harvard* College or University the sum of *three hundred pounds* during the said term of forty years, to be by said College appropriated for the purpose of defraying the expence of tuition to such indigent scholars as in the judgment of the corporation of said University shall stand in need of the same; the residue, if any there be, for the purpose of reducing the expence of tuition to all the other schollars; and if the sum before mentioned shall be applied to any other purposes than the before mentioned, then and in that case it shall revert to and be paid into the Treasury of the Commonwealth.

Appropriation.

Act to be void in case —

And be it further enacted, that if the said corporation shall refuse or neglect for the space of three years after the passing this Act to build & compleat the said Bridge, then this Act shall be void & of no effect.

And whereas the erection of Charles River Bridge was a work of hazard and public utility, and another Bridge in the place proposed for the West Boston Bridge may diminish the emoluments of Charles River Bridge, — Therefore for the encouragement of enterprize, —

Term of the Proprietors continued as a corporation.

Be it further enacted by the authority aforesaid, that the proprietors of *Charles River* Bridge shall continue to be a corporation and body politick for and during the term of seventy years to be computed from the day that said *Charles River* Bridge was compleated and opened for passengers, subject to all the conditions and regulations prescribed in an Act entitled “An Act for incorporating certain persons for the purpose of building a Bridge over *Charles River* between *Boston* and *Charlestown*”, — and during the aforesaid term of seventy years the said proprietors of *Charles River* Bridge shall and may continue to collect and receive all the toll granted by the aforesaid Act for their use and benefit, *provided however* they also continue to pay annually to said *Harvard* College the sum of *two hundred pounds*, and to observe the aforesaid regulations and conditions, and at the expiration of said term of seventy years, said *Charles River* Bridge shall revert to and be the property of the Commonwealth, and shall be surrendered in good repair.

Benefits of the toll extended to the Proprietors.

Proviso.

Bridge to revert to the State.

And it is further enacted, that in consideration of the privileges in this Act granted to the proprietors of *Charles River Bridge*, the said proprietors shall relinquish the additional toll on the Lord's day from and after the passing this Act. Additional toll taken off.

*March 6, 1792.**

1791. — Chapter 63.

[January Session, ch. 46.]

AN ACT REGULATING THE TAKING OF THE FISH CALLED ALEWIVES IN THE SEVERAL STREAMS EMPTYING INTO *MERRIMACK RIVER* IN THE TOWN OF *ANDOVER*.

Be it enacted by the Senate & House of Representatives in General Court assembled & by the Authority of the same, that it shall and may be lawful for the Inhabitants of said Town of *Andover* from time to time at their Annual meeting in the Month of *March* or *April* to determine & order by whom & in what place or places the said Fish may be taken in the several streams emptying into *Merrimack River* within the Town aforesaid, & shall cause a Copy of such Order attested by the Town Clerk of said Town to be posted up in some public place in said town & in the town of *Methuen*; & any person who shall violate such order upon conviction thereof shall forfeit & pay a sum not exceeding *twenty shillings* nor less than *ten shillings*, *provided* the quantity so taken is less than one barrel, but for every barrel so taken they shall forfeit & pay the sum of *forty shillings* to be recovered before any Justice of the Peace in the County of *Essex*, before whom the complaint shall be made, one Moiety to the informer the other moiety to the poor of said Town. Inhabitants to regulate the catching fish.

And be it further enacted by the Authority aforesaid, that the times & manner prescribed for taking fish, in an Act passed 4th *March* 1790, entitled “An Act to regulate the catching of Salmon, Shad & Alewives & to prevent obstructions in *Merrimack river* & in the other rivers & Streams running into the same within this Commonwealth, & for repealing several Acts heretofore made for that purpose” shall be observed, as the times & manner for taking said fish in the said Streams in the town of *Andover*, & if any person shall take any of said fish at any other time or in any other manner, than is prescribed in the Act last recited, he shall for each offence be subject to such penalty, Penalty.

The time and manner of catching fish to be regulated by a former act.

* Approved March 9, 1792.