

SECT. 5. *Be it further enacted*, That the Cambridge Port Meeting-House Corporation, may convey to the Cambridge Port Parish, on such conditions, as may be by them mutually agreed, all the property of the said Cambridge Port Meeting-House Corporation, subject to the payment of their just debts; and indentures by their agents for such purpose appointed, mutually signed and sealed, when acknowledged and recorded in the registry of deeds, for the county of Middlesex, shall be deemed valid in law: *Provided however*, that the members of said Parish shall not be liable to be taxed for the expense of building said Meeting-House; and, *provided also*, that whenever the Cambridge Port Meeting-House Corporation, shall have conveyed all their property to said Cambridge Port Parish, that then all the powers of the corporation shall be extinct, excepting so far as may be necessary for collecting assessments already made, and fulfilling existing contracts.

Property may be conveyed.

Proviso.

SECT. 6. *And be it further enacted*, That any Justice of the Peace in the county of Middlesex, be, and is hereby authorized to issue his warrant, directed to some suitable person, requiring him to warn the members of said Parish qualified to vote in Parish affairs, to assemble at some suitable time and place in said Parish, to choose such Parish officers as are by law required to be chosen, in the months of March or April, annually, and to transact all other matters and things relative to said Parish.

Justice to issue warrant.

[This act passed March 1, 1808.]

CHAP. LXXIII.

An act for incorporating certain persons, for the purpose of building a bridge over Charles river, between Cambridge and Brighton, in the county of Middlesex.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Loring Austin, Samuel Wyllys Pomeroy, Josiah Knapp, Josiah Bacon, Samuel Sumner, John Hayden, and all others who are, or may hereafter be associated with them, be, and hereby are constituted a corporation and body politic, by the name of The Proprietors of Brighton and Cambridge Port Bridge, for the purpose of building a bridge over Charles river, between the towns of Cambridge and Brighton, which bridge shall form part

Proprietors incorporated.

of

of a common highway, to be laid out by the said proprietors and others, from the Meeting-House in Brighton, to the county road in Cambridge, leading to West-Boston bridge, and entering the same road opposite the south end of a county road leading to Charlestown; and that the said proprietors by the same name, may sue and be sued, to final judgment and execution, and do, and suffer all other acts and things, which bodies politic may, or ought to do; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Bridge to be built of good materials.

SECT. 2. *And be it further enacted*, That the said bridge shall be built of good and sufficient materials, not less than twenty-five feet wide, and well covered with plank or timber, suitable for such a bridge, with sufficient rails on each side for the safety of passengers; and there shall also be made, a good and sufficient draw, or passage-way, not less than thirty feet wide, with a leaf or leaves, not less than sixteen feet in length, which shall at all times, on demand, be raised for the passage of vessels, which cannot otherwise pass under said bridge, by the agent of said proprietors; and any person or persons, who may be unreasonably delayed and hindered in the passage through said bridge, by the neglect of said proprietors, in this behalf, shall recover and have of said proprietors, double the amount of damages incurred by such unreasonable delay; and the said proprietors shall be holden and obliged, within one month from and after the completion of said bridge, to lodge in the clerk's office of the Court of Sessions, in the county of Middlesex, a good and sufficient bond, made and executed by one or more of the individuals of said proprietors, to the satisfaction of said Court, conditioned for the faithful performance of the duties of raising and opening said drawer, for the convenience of the navigation of said river, and for the recovery of the double damages provided for in this act.

Damages in case of delay.

Road to be made.

SECT. 3. *And be it further enacted*, That the said proprietors shall make the road, from the Brooklyne road, near the house of Thomas Gardner, in Brighton, to the county road in Cambridge, as the same is now laid out by them, and described in the first section of this act, to the acceptance of three disinterested freeholders in the county of Middlesex, to be appointed by the Court of Sessions of said county, to view and report thereon, when the same road may be completed; and the said proprietors shall give notice

notice

notice thereof to said Court of Sessions; and the report of said commissioners, that the said road is well and suitably made for a public highway, shall be conclusive evidence of a compliance by the said proprietors, with the requisitions of this act, in this behalf: *And be it further enacted*, That the town of Cambridge, shall be exempted for the term of twenty years, from and after the passing this act, from any, and all the expense which may arise on account of said road.

SECT. 4. *And be it further enacted*, That the said proprietors shall be held and obliged to maintain and keep the said bridge in good and sufficient repair, for the term of twenty years from the time of its erection, and shall, during said term, cause the draw or passage-way of said bridge, to be raised and opened, as required by the second section of this act, and no longer; and the towns of Brighton and Cambridge, shall not be liable for any charge, costs, or expense, for the support of said bridge, or to any presentment, indictment, information, or civil action, for any defect in said bridge, or any damage sustained by any person, by reason of such defect, for and during the said term of twenty years.

Bridge to be kept in good repair.

SECT. 5. *And be it further enacted*, That the said Jonathan Loring Austin, and Samuel Wyllys Pomeroy, or either of them, may, by advertisement in any two of the Boston newspapers, warn or call a meeting of the said proprietors, to be holden at Boston, at any suitable time after seven days from the publication of said advertisement; and the said proprietors, or a majority of them (allowing a vote to each share) at the same meeting, shall choose a clerk, who shall be sworn to a faithful discharge of his office; and shall also agree on the form of calling future meetings; and at the same, or any subsequent meeting, may choose any other officer or officers they may judge necessary, and establish any rules and regulations for the government of said corporation, not repugnant to the laws or constitution of this Commonwealth, and for the breach of any of them, may order and enjoin fines and penalties not exceeding ten dollars.

Manner of calling meeting.

SECT. 6. *And be it further enacted*, That if the said proprietors shall neglect, for the space of two years from the passing of this act, to build the said bridge, and make the said road, conformable to the provisions herein contained, then this act shall be void and of no effect.

Void in case of neglect.

[This act passed March 2, 1808.]