

SENATE....No. 58.

Commonwealth of Massachusetts.

IN SENATE, March 28, 1851.

The Joint Committee on Railways and Canals, to whom was committed the petitions of the Salem and Lowell, and South Reading Branch Railroad Companies, praying for authority to obtain entrance to Salem in some manner, and also to increase the capital stock of the latter company, report the accompanying Bill.

JOHN H. WILKINS, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
One.

AN ACT

Concerning the Essex, and Salem and Lowell, and South
Reading Branch Railroad Companies.

*BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

1 SECT. 1. The Salem and Lowell Railroad Compa-
2 ny are hereby authorized to enter upon the Eastern
3 Railroad, at any point of connection with the Essex
4 Railroad in Salem. And the South Reading Branch
5 Railroad Company are authorized to enter upon the
6 Essex Railroad at South Danvers, and use the same,
7 or any part thereof, according to law.

1 SECT. 2. The Salem and Lowell Railroad Com-
2 pany, and the South Reading Branch Railroad Com-
3 pany, are hereby authorized to enter upon and use
4 that portion of the Essex Railroad, and its branches,

5 lying easterly of Central street, so called, in Danvers,
6 and to pass over the same with their own motive
7 power and cars.

1 SECT. 3. Authority is hereby given to the Essex
2 Railroad Company, to widen the location of their
3 railroad, from Central street, in Danvers, to its termi-
4 nus and the terminus of its branch in Salem, and to
5 take such additional land as may be necessary for the
6 construction of a second track, with convenient turn-
7 outs and side tracks between said points.

1 SECT. 4. So much of the Essex Railroad as the
2 aforesaid companies are authorized to use with their
3 own motive power, shall be under the care of a super-
4 intendent, to be appointed by said Essex and Salem
5 and Lowell Companies; and the directors of said
6 companies may make any and all contracts that may
7 be necessary for the joint management and repairs of
8 said road; and either of said companies may contract
9 with the others, or either of them, for the furnishing
10 and running of their respective roads, or any part
11 thereof. And, in case of disagreement at any time,
12 either of said companies may apply to the county
13 commissioners of Essex county, who, after due notice
14 and a hearing of the parties, shall act as arbitrators
15 upon all points of difference between the said com-
16 panies, in relation to the management of said railroad,
17 including the power of appointing a superintendent;
18 and their award and decree in the premises, and the
19 appointment of a superintendent as aforesaid, shall
20 be binding upon all parties for one year.

1 SECT. 5. In case the Essex Railroad Company
2 shall not keep its tracks in proper repair, east of Cen-
3 tral street in Danvers, either company using the same

4 may be authorized, by the county commissioners afore-
5 said, to expend, under the direction of the superin-
6 tendent aforesaid, so much of what would otherwise
7 be paid to said Essex Railroad Company, for the use
8 of its road, as may in his judgment be required for
9 such repairs, and the amount thus expended shall be
10 passed to the credit of such company by the Essex
11 Railroad Company, and be allowed in settlement of
12 account.

1 SECT. 6. If the three companies before mentioned
2 shall be unable to agree upon the subject, the county
3 commissioners of the county of Essex, after hearing
4 the parties, shall fix the amount and manner of com-
5 pensation to be paid by the Salem and Lowell Rail-
6 road Company, and the South Reading Branch Rail-
7 road Company, for the privileges hereby granted.

1 SECT. 7. The South Reading Branch Railroad is
2 authorized to increase its capital stock, by an amount
3 not exceeding one hundred thousand dollars, and no
4 share shall be issued for less than its par value of one
5 hundred dollars.

1 SECT. 8. The Essex Railroad Company are hereby
2 authorized to sell the whole, or any undivided portion
3 of their road, lying easterly of Central street, in Dan-
4 vers, to the Salem and Lowell Railroad Company;
5 and the said Salem and Lowell Company are hereby
6 empowered to purchase the same.