

SENATE.....No. 35.

Commonwealth of Massachusetts.

IN SENATE, Feb. 28, 1833.

The Committee of both Houses on Railways and Canals, to whom was referred the petition of Job Chase, Jr., and others, inhabitants of Harwich and Dennis, for liberty to make improvements in Herring River, have considered the subject, and ask leave to report a Bill.

By order of the Committee,

C. HUDSON, *Chairman.*

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Three.

AN ACT

To Incorporate the Herring River Company, in the
Town of Harwich.

1 SEC. 1. **BE** it enacted by the Senate and House
2 of Representatives in General Court assembled, and
3 by the authority of the same, That Job Chase, Jr.,
4 Elijah Chase, Anthony Kelley, Joseph Kelley, Joshua
5 Wixon, Jr., and Richard Baker, their associates, suc-
6 cessors and assigns, be, and they hereby are made a
7 body politic and corporate, by the name of the Her-
8 ring River Company, for the purpose of deepening
9 the channel and improving the navigation and the
10 Alewife fishery of said River ; and by their corporate
11 name may sue and be sued, plead and be impleaded,
12 may have a common seal, and the same may alter at

13 pleasure ; and shall have power to appoint all such
14 officers and make such by-laws and regulations as
15 shall be necessary for the management of their con-
16 cerns, and for carrying into effect the purposes of this
17 Act : *Provided*, the same be not inconsistent with
18 the laws of this Commonwealth.

1 SEC. 2. *Be it further enacted*, That the property
2 of said company shall be divided into one hundred
3 shares, and all assessments made by said company
4 for expenses, or for the erection or construction of
5 works in conformity with the provisions of this Act,
6 or for the payment of damages recovered of this com-
7 pany, shall be equally apportioned upon all the shares
8 of said company, and the private property of each
9 member of said company shall be holden for the pay-
10 ment of all such assessments ; and such assessments
11 shall never exceed the sum of twenty dollars upon
12 each share, except for the payment of damages which
13 may have been recovered of said company : and the
14 private property of each member of said company
15 shall be holden for the payment of any debt or dam-
16 age for which said company shall be liable.

1 SEC. 3. *Be it further enacted*, That the said com-
2 pany shall have power to construct and erect dams,
3 locks, and other works across and upon said river at
4 suitable places, and also to erect piers, wharves, and
5 dykes at the mouth and upon the banks of said river,
6 for the purpose of deepening and preserving the chan-
7 nel, and facilitating the navigation and benefiting the
8 Alewife fishery on said river : *Provided*, the said
9 company shall not appropriate to its use any individu-
10 al property, or infringe or trespass upon any private
11 or corporate rights or privileges, or do any act to the

12 prejudice of such rights or privileges without paying
 13 a full and ample indemnity therefor, to the individual
 14 or corporation sustaining the same: *And provided*
 15 *also*, that said dams shall be provided with locks of
 16 sufficient dimensions to allow the safe and convenient
 17 passage of vessels of seventy five tons.

1 SEC. 4. *Be it further enacted*, That said company
 2 may hold real estate, not exceeding in value one
 3 thousand dollars, and personal estate not exceeding
 4 one thousand dollars, as may be necessary for carry-
 5 ing into effect the purposes of this Act; and either
 6 of the persons named in this Act may call the first
 7 meeting of said company, by giving ten days previous
 8 notice to each member of the same, in person, or by
 9 written notice left at his last and usual place of abode.