

## HOUSE....No. 241.

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### Commonwealth of Massachusetts.

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

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### AN ACT

To incorporate the Lynn and Boston 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 :—*

1    SECT. 1. Charles Porter, William W. Wheildon,  
2 E. B. Phillips, Henry A. Breed, John Story, Benjamin  
3 Shurtleff, Moses S. Rogers, their associates and suc-  
4 cessors, are hereby made a corporation, by the name  
5 of the Lynn and Boston Railroad Company, with  
6 authority to construct, maintain and use by them-  
7 selves, or others, a railroad, with single or double

8 tracks, switches and turnouts in and from the town of  
9 North Chelsea to the city of Lynn, passing through a  
10 portion of the town of Saugus lying on the Salem and  
11 Boston turnpike, and through and over such streets  
12 and highways in said towns and cities, as the mayor  
13 and aldermen and selectmen thereof may respectively  
14 designate; said road commencing in the town of  
15 North Chelsea, or connecting with the Chelsea Beach,  
16 Boston and Chelsea, or other roads on said Salem and  
17 Boston turnpike, and continuing over said turnpike  
18 to the city of Lynn, and through the streets and high-  
19 ways of said city to the town of Swampscott, and over  
20 such streets and highways in said town as the select-  
21 men thereof may designate; all such points of depar-  
22 ture, location and connection to be fixed and determined  
23 by the mayor and aldermen of the city and the select-  
24 men of the towns respectively in which the same may  
25 be; to be accepted in writing by said corporation  
26 hereby established: *provided*, that before any location  
27 is made through the streets and highways of said cities  
28 or towns, or either of them, notice thereof shall be  
29 given to the abutters thereon, and all others interested,  
30 by advertising in the nearest newspaper, or by public  
31 posting thereof in said cities or towns of the time and  
32 place when the mayor and aldermen and selectmen  
33 respectively, will meet to locate said railroad, when  
34 any objection made thereto shall be heard and con-  
35 sidered.

1 SECT. 2. Said corporation hereby created, may  
2 enter upon and use the tracks of the Boston and Chel-  
3 sea, Chelsea Beach, and Middlesex Railroad Company,  
4 and the tracks of any other railroad hereafter to be

5 constructed in Chelsea, or in that part of the city of  
6 Boston known as East Boston, and over such streets  
7 and highways in the city of Chelsea and Boston (East  
8 Boston) as the mayor and aldermen of said cities may  
9 designate, upon and for such rates of compensation as  
10 may be agreed upon, or in case of disagreement with  
11 either of said companies as to the mode of construc-  
12 tion or rates of compensation, the same shall be fixed  
13 by three commissioners, to be appointed by the supreme  
14 judicial court, the expenses of said commissioners to  
15 be fixed by the appointing power, and paid by the  
16 corporation hereby created.

1     SECT. 3. Said railroad shall be constructed on said  
2 Salem and Boston turnpike, so far as may be practi-  
3 cable without detriment to other public travel, or on  
4 lands not used by said corporation on either side of  
5 the same, with authority to pass over such creeks,  
6 bays and streams as are now passed over by said turn-  
7 pike, with suitable bridges to accommodate said rail-  
8 road, and with such draws and passage-ways therein  
9 as may be required for the ordinary navigation of such  
10 streams or bays: *provided*, that a mutual arrangement  
11 shall be made with said turnpike corporation for the  
12 use of their travelled road or any part thereof; and in  
13 case of disagreement, the whole matter of use and  
14 compensation shall be determined by three commis-  
15 sioners, to be appointed and paid in the manner  
16 provided in the preceding section.

1     SECT. 4. Said corporation shall have authority to  
2 fix, from time to time, such rates of compensation for  
3 transporting persons and property over their road as

4 they may think expedient: *provided*, such compensa-  
5 tion shall not exceed two and a half cents per mile for  
6 any passenger transported upon said road for more  
7 than four miles, but may send extra cars at specified  
8 rates at any time; and shall have all the powers and  
9 privileges, and be subject to all the duties, liabilities  
10 and restrictions, set forth in the forty-fourth chapter  
11 of the Revised Statutes.

1     SECT. 5. The said road, and any extension thereof,  
2 shall be constructed and maintained in such manner  
3 and upon such grade as the mayor and aldermen of  
4 said city of Lynn and the selectmen of said towns  
5 respectively may in their votes fixing and determining  
6 the routes thereof, prescribe and direct; and if said  
7 railroad company shall deem it expedient to alter the  
8 grade of any street or highway, such alteration shall be  
9 made at the sole expense of said corporation, and shall  
10 not be made, unless the same is first assented to by the  
11 mayor and aldermen of said city, or the selectmen of  
12 said towns respectively.

1     SECT. 6. Said corporation shall maintain and keep  
2 in repair such portions of the streets, highways, and  
3 bridges respectively as shall be occupied by their  
4 track, and shall be liable for any loss or injury that  
5 any person may sustain by reason of carelessness,  
6 neglect, or mismanagement of its agents and servants,  
7 in the construction, management, or use of said rail-  
8 road, and shall not incumber any portion of said  
9 streets, highways, or bridges as are not occupied by  
10 their said railroad, switches, or turnouts; and in case  
11 any recovery shall be had against said city, or either

12 of said towns, by reason of any defect, want of repair,  
13 or unauthorized obstruction, said corporation shall be  
14 liable to refund the same, together with all reasonable  
15 costs and expenditures incurred in the defence of any  
16 suit or suits in which recovery shall be had.

1     SECT. 7. Said railroad shall be operated and used  
2 with horse-power only ; and the mayor and aldermen  
3 of said city and the selectmen of said towns shall  
4 have power at all times to make all such regulations  
5 as to the rate of speed, and mode of use of the tracks,  
6 as the public convenience and safety may require,  
7 within the limits of their respective corporations.

1     SECT. 8. If any person shall wilfully or maliciously  
2 obstruct the said corporation in the use of their said  
3 railroad or tracks, or the passing of the cars or car-  
4 riages of said corporation thereon, such person and  
5 all who shall be aiding or abetting therein, shall be  
6 punished by a fine not exceeding five hundred dollars,  
7 or may be imprisoned in the county jail for a period  
8 not exceeding three months.

1     SECT. 9. If said corporation, or its agents or ser-  
2 vants, shall wilfully obstruct any street or highway, or  
3 the passing of any carriage over the same, such  
4 corporation shall be liable to a fine not exceeding five  
5 hundred dollars.

1     SECT. 10. The capital stock of said corporation  
2 shall not exceed two hundred thousand dollars, to be  
3 divided into shares of one hundred dollars each, and  
4 no shares in the capital stock shall be issued for a less  
5 sum or amount to be actually paid in on each than  
6 the par value of the shares which shall be first issued.

1     SECT. 11. Said corporation shall have power to  
2 purchase and hold such real estate within such city or  
3 either of said towns, as may be convenient or neces-  
4 sary, for the purposes or management of said road  
5 and may also purchase the franchise and property of  
6 said Salem and Boston Turnpike Corporation, the  
7 proprietors whereof are hereby authorized to sell and  
8 transfer the same, and may have and exercise all the  
9 rights and privileges, and be subject to all the duties,  
10 restrictions and liabilities of the original proprietors.

1     SECT. 12. Nothing in this act contained shall be  
2 construed to prevent the authorities of said city or  
3 either of said towns, or said turnpike corporation,  
4 from entering upon and taking up any of the public  
5 streets, or bridges, traversed by said railroad, for the  
6 purposes for which they may now lawfully take up  
7 the same.

1     SECT. 13. Said corporation is hereby authorized  
2 and empowered to issue bonds for the purpose of  
3 constructing or equipping their road, the amount  
4 thereof not to exceed the amount of capital stock  
5 paid in, of the same kind, in the same manner and  
6 upon the same terms, conditions and restrictions, and  
7 to be approved, certified and recorded and secured in  
8 all respects, in the same way as the Cambridge  
9 railroad have been authorized by law to issue bonds.

1     SECT. 14. Said corporation shall be deemed a  
2 railroad corporation, so far as to be subject to make  
3 such annual returns to the legislature, as are, or may  
4 be, required by law, but not to the other general  
5 provisions of law in relation to railroad corporations.

1     SECT. 15. This act shall be void, so far as relates  
2 to the right to construct said road in either of said  
3 towns and cities, unless the same shall be accepted by  
4 the selectmen of such towns or the mayor and alder-  
5 men of such cities respectively, and unless said  
6 railroad shall be constructed therein on or before the  
7 first day of November, in the year eighteen hundred  
8 and sixty; and unless the act shall be accepted by  
9 said corporation and ten per cent. of the capital stock  
10 thereof shall be paid in within one year from the  
11 passage of this act.

1     SECT. 16. At any time after the expiration of one  
2 year from the opening for use of the tracks of said  
3 railroad in any street or road in which the same may  
4 be located, as provided by its charter, the mayor and  
5 aldermen of said cities, and the selectmen of said  
6 towns, respectively, may, by a vote of the major part  
7 thereof, determine as to so much of said track as is  
8 located within their respective limits that the same or  
9 any part thereof be discontinued; and thereupon the  
10 location shall be deemed to be revoked, and the tracks  
11 of said railroad shall forthwith be taken up and  
12 removed, in conformity with such vote or order of  
13 said mayor and aldermen, or selectmen: *provided*, that  
14 such taking up and removal shall be at the expense  
15 of said railroad corporation.

1     SECT. 15. The capital of the corporation hereby  
2 created, shall be reduced to one hundred thousand  
3 dollars, if they lease their road without equipment, or  
4 unless they purchase the Salem and Boston Turnpike.

1     SECT. 16. This act shall take effect from and after  
2 its passage.

1. The first of these is the fact that the relation  
 2 to the right is constant, and in fact is equal  
 3 to the ratio of the two sides of the right-angled  
 4 triangle, and this ratio is the same for all right-angled  
 5 triangles, and is called the tangent of the angle.  
 6 The second of these is the fact that the relation  
 7 between the two sides of the right-angled triangle  
 8 and the hypotenuse is constant, and is called the  
 9 secant of the angle. The third of these is the fact  
 10 that the relation between the two sides of the right-angled  
 11 triangle and the hypotenuse is constant, and is called the  
 12 cosecant of the angle.

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 9 triangle and the hypotenuse is constant, and is called the  
 10 tangent of the angle. The fourth of these is the fact  
 11 that the relation between the two sides of the right-angled  
 12 triangle and the hypotenuse is constant, and is called the  
 13 cotangent of the angle. The fifth of these is the fact  
 14 that the relation between the two sides of the right-angled  
 15 triangle and the hypotenuse is constant, and is called the  
 16 cosecant of the angle. The seventh of these is the fact  
 17 that the relation between the two sides of the right-angled  
 18 triangle and the hypotenuse is constant, and is called the  
 19 secant of the angle. The eighth of these is the fact  
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