

objects of said corporation : *provided*, that no share shall be assessed a greater sum than one hundred dollars. And said corporation may provide for the sale at public auction of any share or shares, whenever any assessment shall be due, and not paid, agreeably to the provisions contained in the fifth section of an act defining the general powers and duties of manufacturing corporations, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine.

[Approved by the Governor, March 6, 1834.]

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### CHAP. LXIII.

An Act to incorporate the Proprietors of the Middlesex Bridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Pierce, Daniel A. Perkins, and George Winslow, their associates and successors, are hereby constituted a corporation by the name of "the Proprietors of the Middlesex Bridge," with all the powers, and subject to all the duties and liabilities, contained in the eighty-third chapter of the statutes of the year one thousand eight hundred and thirty three.

Persons incorporated.

Authorized to locate and build a bridge across the Mystic river.

SEC. 2. *Be it further enacted,* That said corporation are hereby authorized to locate, build and construct, or to cause to be built and constructed, a bridge across Mystic river, from the Malden shore,

near Hadley's Island, to the Charlestown shore, near the large willow tree, north of the Charlestown almshouse, with a good and sufficient draw, thirty-four feet in width, said draw to be located by commissioners, to be appointed by the governor, with advice of council, at the expense of said corporation; and they shall erect a wharf or pier near said draw, on each side of said bridge, for the accommodation of vessels passing through said draw, and said bridge and wharves shall be built of good and sufficient materials; the bridge to be not less than thirty-two feet in width from outside to outside, and the wharves not less than one hundred and twenty-five feet in length, and twenty feet in width.

SEC. 3. *Be it further enacted,* That said corporation shall keep said bridge and draw in good repair, and shall raise the draw, and afford all necessary accommodation to vessels having occasion to pass the same; and shall keep said bridge lighted by lamps on each side of the same, not exceeding one hundred feet apart.

Bridge and draw to be kept in good repair, &c.

SEC. 4. *Be it further enacted,* That said corporation shall make compensation to any person, persons, or corporation, whose real estate shall be taken for the use of said bridge; and if there shall be a difference of opinion as to the value of the same, either party may apply to the court of common pleas in the county where such real estate lies, for a committee to estimate the damage such person, persons, or corporation will sustain; and, upon such application, the court, after ten days notice to the adverse party to appear, and show cause why such committee should not be appointed, shall, if no good reason be shown to the contrary, appoint three or five disinterested freeholders within the county, who,

Corporation to make compensation for real estate taken for the use of said bridge.

In case of a difference of opinion, court of Common Pleas to appoint a committee to estimate the value of said real estate.

being first sworn before some justice of the peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of the real estate taken as aforesaid, and shall make return of their doings, as soon as may be, to the said court ; and upon acceptance of said report, judgment shall be given thereon, with costs to either party, according to the discretion of the court : *provided*, that in all cases either party may claim a trial by jury, as in similar cases where lands are taken for public uses.

Rates of toll.

SEC. 5. *Be it further enacted*, That, for the purpose of reimbursing the said proprietors for the money expended, and to be expended, in building and supporting said bridge, a toll is hereby granted, for the benefit of said proprietors, according to the rates following : for each foot passenger, one cent ; for each person and horse, three cents ; for each cart or wagon, drawn by one horse, four cents ; for each cart or wagon, drawn by more than one beast, six cents ; for each horse and chaise, six cents ; for each coach, chariot, phæton, or curricule, twelve cents ; for each man and wheelbarrow, two cents ; for each horse and neat cattle, exclusive of those in teams, or rode on, two cents ; for each sheep and swine, one cent ; and at the time when the toll-gatherer shall not attend to his duty, the gate or gates shall be left open. The said toll shall commence on the first opening of said bridge for passengers ; and the said proprietors shall, at the place or places where the toll shall be received, erect and keep constantly exposed to view, a sign or board, with the rates of toll as established for the time being, fairly and legibly written thereon, in large or capital letters.

SEC. 6. *Be it further enacted*, That the treasurer of the said corporation shall, on the second Wednesday of the January next succeeding the completion of said bridge, render to the governor and council an exact account of the cost of the bridge, and of the expenses and income of the same up to that time ; and thereafter he shall make to the governor and council, a report of the expenditures on said bridge, and income therefrom, on the second Wednesday of January annually ; and from the balance of the income, after the expenses are deducted, the proprietors shall be allowed to receive to their own benefit, the amount of six per cent. per annum, on the cost of the bridge ; and, if the balance of income shall, upon any return, be less or greater than the said amount, it shall be the duty of the governor and council to order such alteration of the rate of toll, as shall in their judgment bring the income to the amount of six per cent. on the cost as aforesaid, which the proprietors shall be allowed to appropriate to their own use, and no more : *provided, however*, that if at any time the balance of income shall exceed the aforesaid rate per cent. the said proprietors are hereby authorized to hold in fund any amount not exceeding one thousand dollars, giving to the governor and council sufficient bonds for its being held for the benefit of the bridge, to be appropriated, when occasion may require, for extraordinary repairs, to prevent the necessity of any sudden and material variations of the rate of toll ; and any income which may arise from said fund, shall be accounted for as the income of the said bridge.

Treasurer to report annually to the Governor and Council.

Governor and Council may order an alteration of the rate of toll.

SEC. 7. *Be it further enacted*, That whenever the legislature, or any person, persons or corporation, in a manner acceptable to the Legislature, shall

Bridge to become free, whenever the proprietors shall be reimbursed the original cost.

choose to make the said bridge free, by reimbursing the proprietors the original cost of the same, the proprietors shall surrender the bridge to become a free bridge, being themselves discharged from all further duties and liabilities in the care of said bridge imposed upon them by this act ; and deducting from the aforesaid cost whatever sum they may have in fund, as provided for in the sixth section of this act ; and whenever the legislature, or any person, persons or corporation, shall choose to give for the benefit of the bridge any part of the cost thereof, the proprietors shall receive such donation to the reduction of the same amount of their capital stock in the bridge : and all the books and papers of the said corporation shall be subject to the inspection of any person or persons for that purpose appointed by the legislature.

Bridge to be  
built within three  
years.

SEC. 8. *Be it further enacted*, That if the said proprietors shall neglect or refuse, for the space of three years after the passing of this act, to build the said bridge, then this act shall be void.

[Approved by the Governor, March 8, 1834.]