

Real estate not to exceed \$50,000; capital stock not to exceed \$100,000.

SECTION 2. Said corporation may take and hold such real estate as may be necessary and convenient for carrying on the manufacturing aforesaid, not exceeding in value fifty thousand dollars; and the whole capital stock of said company shall not exceed one hundred thousand dollars. [Approved by the Governor, April 27, 1848.]

### Chap 221.

An Act to authorize Ebenezer Weeks to extend his Wharf.

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

To extend wharf in East Boston to commissioners' line.

Ebenezer Weeks, proprietor of a wharf and flats, situated at the west end of Sumner Street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Samuel Aspinwall and William Dillaway, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line; *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 27, 1848.]

Proviso.

Proviso.

### Chap 222.

An Act to incorporate the Hadley Falls Company.

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

Corporators.

SECTION 1. Thomas H. Perkins, George W. Lyman, Edmund Dwight, their associates and successors, are hereby made a corporation, by the name of the Hadley Falls Company, for the purpose of constructing and maintaining a dam across the Connecticut River, and one or more locks and canals in connection with the said dam; and of creating a water-power, to be used by said corporation, for manufacturing articles from cotton, wool, iron, wood, and other materials, and to be sold, or leased, to other persons and corporations, to be used for manufacturing or mechanical purposes, and also for the purposes of navigation; and shall have all the powers and privileges, and be subject to all the

To construct a dam across Connecticut River, with locks and canals. Water-power, for manufacturing from cotton, wool, iron, wood, &c.

duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real estate not exceeding, in value, five hundred thousand dollars, exclusively of improvements; and their whole capital stock shall not exceed four millions of dollars, which shall be divided into shares of five hundred dollars each.

Real estate not exceeding \$500,000; Capital stock not to exceed \$4,000,000; shares \$500.

SECTION 3. Said corporation is hereby authorized and empowered to construct and maintain a dam across said river, at South Hadley, at any point between the present dam of the proprietors of the locks and canals on Connecticut River, and the lower locks of said proprietors, and of a height sufficient to raise the water to a point not exceeding the present level of the water above said last-mentioned dam.

Location, &c., of dam across the river at South Hadley.

SECTION 4. Said corporation shall pay such damages to the owners of the present fishing rights, existing above the dam which the said company is herein empowered to construct, as may be awarded by the county commissioners of the counties in which said rights exist.

Damages may be awarded by county commissioners.

SECTION 5. The Hadley Falls Company, or any of the owners of said fishing rights, may, at any time, apply to said county commissioners, to proceed to ascertain and determine the damages to said fishing rights; and, on such application, the said county commissioners shall appoint a time and place of meeting, to hear the parties interested, by advertising the same in one or more newspapers published in the counties of Hampshire and Franklin, four weeks, at least, previously to the day fixed for said meeting; and the said commissioners shall determine and award the damages to the said fishing rights, within sixty days from the date of said application to them for that purpose; subject, however, to an appeal to a jury from such assessments, in the same manner, and with like proceedings, as in cases of assessments of damages by county commissioners for land taken for highways; and all expenses accruing under such application to, and determination of, the county commissioners, shall be borne by the Hadley Falls Company.

Proceedings before the commissioners.

Appeal to a jury.

SECTION 6. For the purpose of reimbursing said corporation, in part, for the cost of keeping said locks and canals in repair, and tending the same, it shall be lawful for them, with the consent of the proprietors of the locks and canals on Connecticut River, to charge, on all descriptions of merchandise, boats, and rafts, the same rates of toll as are allowed by law to the said proprietors, for similar service.

Tolls to reimburse, &c.

SECTION 7. It is not intended hereby to empower the Hadley Falls Company to injure the works of the Connecticut River Railroad Company; and all questions which may arise between them, under the provisions of this act, may be

Connecticut River Railroad Company, how affected.

adjusted according to the mutual agreements already existing, or hereafter to be made, by said companies.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1848.*]

*Chap 223.*

An Act to incorporate the Salem and Lowell 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 :*

Corporators.

SECTION 1. Joseph S. Cabot, Stephen C. Phillips, William Livingston, their associates and successors, are hereby made a corporation, by the name of the Salem and Lowell Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all the statutes subsequently passed, relating to railroad corporations.

Railroad from Salem to Lowell.

SECTION 2. Said corporation may construct and maintain a railroad upon the following route:—Beginning at some convenient point in the city of Salem; thence, passing through the North Parish of Danvers, and along the valley of Crane River, so called; thence, by the paper-mill in Middleton; thence, along the valley of Ipswich River, through Reading, to a point on the Lowell and Lawrence Railroad, in Tewksbury; and thence, along the track of the latter railroad, to Lowell: *provided, nevertheless*, that said corporation may proceed from the depot of the Essex Railroad, at South Danvers, along the valley of Proctor's Brook, so called, to the paper-mill in Middleton, and thence onward, by the route before described.

*Proviso.*

Bridge over North River, with draw;

SECTION 3. In case of crossing the North River at Salem, the said company shall build and maintain a suitable bridge, having a suitable draw for the passing and repassing of vessels; and the said company shall build the bridge, and locate, and make the draw of such width, and shall erect a pier or piers adjacent thereto, in such manner as the county commissioners of the county of Essex shall require, in writing; and the said company shall keep the draw and piers in good repair, and shall open the draw, and afford all reasonable accommodation to vessels having occasion to pass through the same, by day or by night; and if any vessel shall be unreasonably detained in passing the draw, by the negligence of said company in constantly providing agents to discharge faithfully the duties enjoined by this act, the owner, commander, or person having the consignment of said vessel, may recover reasonable damages therefor, of said company, in an action on the case, before any court competent to try the same.

to be erected as required by county commissioners of Essex.

For neglect of duty, company liable to action for damages.