

Chap 113.

An ACT to incorporate the Naumkeag Steam Cotton Company.

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

Persons incor-
porated.

SECT. 1. William Sutton, Caleb Smith, and Joseph S. Leavitt, their associates and successors, are hereby made a corporation, by the name of the Naumkeag Steam Cotton Company, for the purpose of manufacturing cotton goods, in the city of Salem, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SECT. 2. Said corporation may hold, for the purpose aforesaid, real estate to the amount of fifty thousand dollars ; and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars. [*April 6, 1839.*]

Chap 114.

An ACT in addition to an Act to incorporate William Gray, Jr. and others, for the purpose of bringing Fresh Water into the towns of Salem and Danvers by subterranean pipes.

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

Corporation
may lay down
pipes, &c.

SECT. 1. The proprietors of the Salem and Danvers Aqueduct are hereby authorized to take from their own land in said Salem, and conduct by subterranean pipes, into Salem and Danvers, a full and constant supply of water for the inhabitants of said Salem and Danvers, and for this purpose to maintain any pipes already laid down by said corporation, and to construct and lay down any other pipes of any materials and dimensions, in addition to their present works, in any direction, and under any highways, streets, private ways, or lands whatever, subject to the provisions of the act of which this is in addition, and subject to the provisions hereinafter contained: *provided*, that nothing in this act contained shall affect any claim for damages that any persons now have for any thing heretofore done by said corporation.

Remedy for
persons suffer-
ing damage,
&c.

SECT. 2. If any person suffer damage by the taking and conducting said water in manner aforesaid, and shall not agree with said aqueduct corporation on the indemnification to be paid therefor, such person may within one year file a petition for indemnity in the supreme judicial court, within the county of Essex, before or during any term thereof, and after fourteen days' notice, which shall be given to said aqueduct corporation, by leaving an attested copy of said petition with the clerk of said aqueduct corporation, the court may proceed to the hearing of the petitioner, and may appoint three commissioners, who shall be disinterested freeholders and inhabitants of the Commonwealth, to determine the damages which the said petitioner may have sustained by reason of the taking and conducting said water as aforesaid ; and the said commissioners shall forthwith give notice to both parties to appear, if they see fit, for a hearing before them ; and they shall first inquire whether any damage has

been sustained by said petitioner by the cause aforesaid, and, if any, they shall estimate the same; and the award of said commissioners, or of the major part of them, shall be returned by them as soon as may be into the said court; and upon the acceptance thereof, judgment shall be rendered for the party prevailing, with costs: *provided*, that if either party shall be dissatisfied with such award, such party may apply to the supreme judicial court, at any term thereof holden within the county of Essex next after the return of said award for a trial by jury, and the same shall thereupon be tried at the bar of said court; and if the party so applying shall not obtain, in case it shall be the original petitioner or complainant, an increase of damages, or in case it shall be the original defendant, a decrease of damages awarded by the said commissioners, such party shall pay reasonable costs of such trial, but otherwise may recover costs; and upon any judgment rendered upon any such verdict, the said court may issue execution accordingly.

Proviso.

SECT. 3. The said aqueduct corporation may create any number of new shares in their capital stock, which may be necessary to meet the expense of extending and improving their works to obtain the supply of water aforesaid.

New shares
may be created.

SECT. 4. The said aqueduct corporation shall hereafter be subject to the provisions of the ninth section of the fortieth chapter of the Revised Statutes. [April 6, 1839.]

Subject to Re-
vised Statutes.

An ACT to repeal the Charter of the City Bank in Lowell.

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

Chap 115.

SECT. 1. An act entitled an act to incorporate the City Bank in Lowell, passed on the thirty-first day of March, in the year eighteen hundred and thirty-six, is hereby repealed: *provided*, that nothing in this act contained shall be so construed as to release or absolve from the said corporation, or any director or stockholder thereof, from any liability created by any provision of the act hereby repealed.

Repeal not to
absolve from
existing liabilities,
&c.

SECT. 2. This act shall take effect from and after its passage. [April 6, 1839.]

Immediate ef-
fect of act.

An ACT to incorporate the Equitable Safety Insurance Company.

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

Chap 116.

SECT. 1. Benjamin Burgess, Benjamin C. Clark, John D. Bates, John Clark, their associates and successors, are hereby made a corporation, by the name of the Equitable Safety Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses, and insurance against losses by fire, on the principle of a mutual insurance company; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-

Persons incor-
porated.