

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED AT

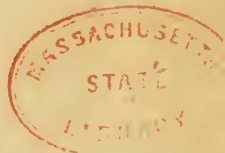
SEVERAL SESSIONS

OF THE

GENERAL COURT,

HOLDEN IN BOSTON.

PUBLISHED AGREEABLY TO A RESOLVE PASSED IN
FEBRUARY, 1806.



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THE STATE OF NEW YORK

IN SENATE

JANUARY 1871

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

APRIL 1870

ALBANY: PUBLISHED BY THE STATE PRINTING OFFICE, 1871.

12

L A W S

PASSED AT THE SESSION COMMENCED ON THE
TWENTY-NINTH OF MAY, 1805.

DARTMOUTH BRIDGE.

June 14, An. 1805.

An act to authorize Henry Tucker and his associates, to build a bridge over a Salt Creek, a branch of Apponeganset River, in the town of *Dartmouth*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Henry Tucker, and such others as have or may hereafter associate with him and them, be, and they are hereby permitted to build a bridge over a salt-water creek, which is a branch of the river called Apponeganset, in the town of *Dartmouth*, in the county of *Bristol*: *Provided*, that the said bridge shall always be free, and no toll shall ever be demanded of any passenger for passing the same.

[This act passed June 14, 1805.]

An act to incorporate a number of the inhabitants in the town of *Fitchburg*, in the County of *Worcester*, into a religious society, by the name of the "*The Calvinistic Congregational Society in Fitchburg.*"

WHEREAS the congregational church in *Fitchburg*, lately under the pastoral care of the Reverend Samuel Worcester, now under that of the Reverend Titus T. Barton, together with those who meet with said church for the worship of God, have petitioned this Court to be incorporated into a distinct religious society, for the reasons expressed in their petition, and it appearing reasonable to this Court that the prayer thereof be granted:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the church aforesaid,*
and

Preamble.

Incorporating
clause.

and such inhabitants of the town of *Fitchburg*, as meet with them for the worship of God, with their polls and estates, be, and hereby are incorporated into a society, by the name of "*The Calvinistic Congregational Society in Fitchburg*," with all the powers, privileges and immunities which other religious societies in this Commonwealth are entitled to by law, they paying the taxes that have already been assessed upon them for the support of public worship.

How to join or
leave this society.

SECT. 2. *Be it further enacted*, That any of the inhabitants of the town of *Fitchburg*, who may desire to join said society, shall have full liberty thus to do, at any time previous to the first day of January, one thousand eight hundred and six; provided they signify, in writing under their hand to the clerk of the said society, their wish and determination of being considered as members of said society; and they shall accordingly be recorded as such by the clerk of the said society: And any member of said society shall have the right to leave the same at any time before the first day of January, one thousand eight hundred and six, by leaving a written determination with the clerk of said society, whose duty it shall be to record the same, and such member shall thence afterwards be considered a member of the society to which he originally belonged.

Provision for
persons who
may hereafter
settle in *Fitch-*
burg.

SECT. 3. *Be it further enacted*, That if any person who may hereafter settle within the limits of said town, shall be desirous to join the society aforesaid, he shall have full liberty to do it any time within twelve months from his settlement in the town, by signifying his determination of the same in the manner pointed out in the second section of this act.

— or who
may come of
age.

SECT. 4. *Be it further enacted*, That all young persons within the limits of the town aforesaid, when they become twenty-one years of age, shall have full liberty, at any time within twelve months after they become twenty-one years of age, to join, with their polls and estates, either of the said societies, by signifying their determination in writing to the clerk of the society they may desire to join.

SECT. 5. *Be it further enacted*, That Joseph Fox, Esq. or any other justice of the peace in the county of *Worcester*, be, and he is hereby authorized to issue his warrant, directed to some member of the said Calvinistic Congregational Society, requiring him to warn the members of the said society, qualified to vote in parish affairs, to assemble

ble at some convenient and suitable time and place, as shall be expressed in the said warrant, to choose such officers as parishes are, by law, required to choose in the month of March or April annually, and to transact all other matters and things necessary for the well being of the said society.

Meeting for the
choice of par-
ish officers.

[This act passed June 14, 1805.]

An act to encourage the establishment of a *Cotton Manu-
factory* in the town of *Rehoboth*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the buildings which are or may be erected within said town of *Rehoboth*, by Eliphalet Slack, Oliver Starkweather, Ebenezer Tyler the 2d, Elijah Ingraham and others, for the purpose of establishing a cotton manufactory in said town, and all the materials and stock to be employed in the manufacture of cotton, be, and they are hereby exempted from taxes of every kind for and during the term of five years, from and after the passing of this act, and no longer.

[This act passed June 14, 1805.]

An act to determine the time of holding the *Court of
General Sessions of the Peace*, within and for the county of *Hampshire*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act there shall be two terms of the Courts of General Sessions of the Peace, holden at *Northampton*, within and for the county of *Hampshire*, annually, one to be holden on the first Monday after the fourth Monday in August, the other on the third Monday of January.

New terms

SECT. 2. *Be it further enacted*, That all processes, matters, and things, returnable or continued to the Court of General Sessions of the Peace, by law to be holden at *Northampton*, within and for the county of *Hampshire*, on the fourth Monday of August next, shall be returned to, continued, and have day in Court, to be holden on the first Monday after the fourth Monday of August next.

Business trans-
ferred.

SECT.

SECT. 3. *Be it further enacted*, That all laws heretofore made to determine the time of holding the Courts of General Sessions of the Peace within and for the county of *Hampshire*, be, and hereby are repealed.

Former laws
repealed.

[This act passed June 14, 1805.]

An act for uniting the *Merrimack* and *Newburyport* Banks.

WHEREAS the respective presidents, directors and companies of the *Merrimack* and *Newburyport* Banks, have petitioned this Court for authority to unite the stocks of the said two banks :

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That for the purpose aforesaid the stock of the *Newburyport* bank may be increased in the sum of *two hundred and fifty thousand dollars*, and that the stockholders of the *Merrimack* bank for the time being, shall have the exclusive right to subscribe the said sum, in proportion to the respective shares held by them individually at the time of said subscription.

Stock of New-
buryport Bank
increased.

SECT. 2. *Be it further enacted*, That the presidents of the said two banks may fix the time when the said subscription shall be made, of which they shall cause public notice to be given in the *Newburyport Herald*.

Time for new
subscription.

SECT. 3. *Be it further enacted*, That on the days succeeding the said subscription, there shall be held, at such place in *Newburyport* as shall be appointed by the said presidents, a meeting of the stockholders of the said joint stock, at which meeting there shall be chosen nine directors of the said *Newburyport* bank, who shall continue in office until the first Monday in October next, on which day, and on the same day thereafter annually, there shall be a meeting of the said stockholders, and a number of directors shall be chosen, not exceeding nine, nor less than seven, and a majority of the directors for the time being shall constitute a quorum for the transaction of business.

Stockholders'
meeting after
new subscrip-
tion.

SECT. 4. *Be it further enacted*, That from and after the said subscription, the president and directors of the *Merrimack* bank shall make no further loans or discounts.

Merrimack
Bank to make
no further
loans.

SECT. 5. *And be it further enacted*, That when execution shall issue upon any judgment recovered against the president, directors, and company of the Newburyport bank, and shall be returned unsatisfied in the whole or in part, the plaintiff may sue out a *scire facias* against such persons, who were president and directors of the same bank at the commencement of the original action and are living, to have execution against their goods and estate, and for want thereof upon their bodies, and execution shall be awarded accordingly, with customary damages and costs, unless the defendants can shew that the said judgment is satisfied, or that the transactions of the said bank have been conducted and managed with fidelity, prudence, and discretion.

Case of execution against officers of the Newburyport Bank.

[This act passed June 14, 1805.]

An act to continue in force an act entitled "an act to incorporate sundry persons by the name of *The President and Directors of the Nantucket Bank*."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act entitled "an act to incorporate sundry persons by the name of *The President and Directors of the Nantucket Bank*," which passed the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and ninety-five; also one other act, entitled "an act in addition to an act entitled an act to incorporate sundry persons by the name of *The President and Directors of the Nantucket Bank*," which passed the first day of March, in the year of our Lord one thousand seven hundred and ninety-seven, be, and are hereby continued in full force and effect, until the last Monday of March which will be in the year of our Lord one thousand eight hundred and six.

Former act continued.

SECT. 2. *Provided however, and be it further enacted*, That from and after the first day of July next, the said corporation shall not issue any bank-bills of a less denomination than *five dollars*, nor any intermediate bills between *five and ten dollars*, and thence decimally; nor shall make any loan upon monies actually deposited in said bank for safe keeping.

Restricted from issuing small Bills.

Original amount of altered notes to be paid.

SECT. 3. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

The bank may be taxed.

SECT. 4. *Be it further enacted*, That nothing contained in this act shall be construed to prevent the Legislature from taxing said bank at any time hereafter, whenever they shall judge it expedient.

The State may be interested in this bank.

SECT. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the government thereof shall make provision by law, to subscribe to, and become interested in the capital stock of said bank, by adding thereto a sum not exceeding *thirty thousand dollars*, subject to the rules, regulations and provisions, to be by them established.

Money to be loaned to the State.

SECT. 6. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the said Commonwealth, any sum of money, not exceeding *twenty thousand dollars*, reimbursable at five annual instalments, or at any shorter period, at the election of said Commonwealth, with the annual payment of interest, at a rate not exceeding *five per centum*.—*Provided however*; that said Commonwealth shall never, at any one time, stand indebted to the said corporation, without their consent, for a larger sum than *twenty thousand dollars*.

[This act passed June 14, 1805.]

An act in addition to an act entitled “an act to incorporate a part of the counties of *York* and *Cumberland*, into a separate county, by the name of *Oxford*.”

Certain official acts made valid.

SECT. 1. **B***E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all official acts, done before the first day of May, in the year of our Lord one thousand eight hundred and five, by civil and all other officers of the counties of *York* and *Cumberland*, then living in those parts of said counties which are now incorporated into a separate county by the name of *Oxford*, be, and are hereby confirmed and made valid to all intents and purposes, as though the said county of *Oxford* had not been incorporated.

SECT.

SECT. 2. *And be it further enacted,* That all business commenced in the Probate Courts of the said counties of *York* and *Cumberland* respectively, before the incorporation of said county of *Oxford*, shall be completed by the same courts, and in the same manner, as though the said county of *Oxford* had not been incorporated. Provision respecting probate business.

SECT. 3. *Be it further enacted,* That the person appointed, or who may be appointed by the Justices of the Court of Common Pleas of said county of *Oxford*, to discharge the duties of a clerk of said court, shall be authorized to discharge the said duties, until a clerk of said court shall be appointed by the Supreme Judicial Court, and shall commence the discharge of the duties of said office: And the acts and doings of the person appointed, or to be appointed by the Justices of said Court of Common Pleas, as clerk of said court, shall, during the time he is hereby authorized to discharge the duties of said office, be good and valid to all intents and purposes. Provision relative to clerk Court Com. Pleas.

SECT. 4. *Be it further enacted,* That all officers in the said county of *Oxford*, having authority to commit prisoners to jail, shall be authorized, for the term of two years, to commit their prisoners to any jail in the county of *Cumberland*; and the keeper of the jail in said county of *Cumberland*, is hereby authorized and required to receive and detain such prisoners: *Provided nevertheless,* That the consent of the Justices of the Court of General Sessions of the Peace for the county of *Cumberland*, shall first be obtained thereto; and that no expense or damage shall accrue therefrom to the county of *Cumberland*. Prisoners to be committed to the jail in Cumberland.

[This act passed June 14, 1805.]

An act to incorporate sundry persons by the name of "*The Little Harbor Corporation in Marblehead.*"

WHEREAS Thomas Elkins, William Storey, Ralph Hill French, Stephen Swett, Nathaniel Hooper, Robert Hooper, John Brown, William Reed, and John D. Dennis, have, in their petition to this Court, represented that the common harbour in *Marblehead* is very dangerous, and that vessels at anchor there are very insecure, from its exposure to violent easterly winds, and that Little Harbour, so called, in said *Marblehead*, might be made a very safe and convenient harbour, or bason for the docking of vessels, and have in their said petition prayed for Preamble.

an act of incorporation, to enable them to improve the said Little Harbour for the purposes aforesaid; and it appearing that such an institution, under suitable regulations, may be very advantageous to the trade and commerce of that place:

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Thomas Elkins and others before named, and their associates, successors, and assigns, shall be, and they hereby are created a body politic and corporate, by the name of "*The Little Harbour Corporation in Marblehead,*" and by the name aforesaid may sue and be sued, to final judgment and execution, and may plead and be impleaded in any court of record, and in any other place whatever, and may have a common seal, and exercise and enjoy all the rights and powers which are by law incident and belonging to similar corporations, for the purpose of improving the said Little Harbour, together with all the flats, waters, entrances, and privileges comprised between Döliber's Point, so called, on the north, and Gerry's Island, so called, on the south, and thence over the bar; from Gerry's Island to the main land, to the town's high-way; inclusive of all the flats and waters; to the point first mentioned; to use and improve the same in such a manner, as shall render the same a safe and convenient bason, or dock; for the reception and safe lodgment of vessels, and for keeping the same in repair; and also to establish and put in execution such bye-laws and regulations as to them shall seem necessary and convenient for the government of the said corporation, and the prudent management of their affairs: *Provided,* such bye-laws be in no wise contrary to the constitution and laws of this Commonwealth; and the said corporation shall always be subject to the rules, limitations, and provisions herein prescribed.

SECT. 2. *Be it further enacted,* That when the said Little Harbour shall be made and completed, as a safe and convenient bason or dock, then the said corporation shall be authorized to extend a boom across the entrance thereto, and shall be entitled to receive from each vessel entering the same, the following rates of toll or dockage, *viz.* for every vessel under fifty tons, *thirty cents* per day; from fifty and not above one hundred tons, *forty cents* per day; from one hundred to one hundred and fifty tons, *fifty cents* per day; from one hundred and fifty, to two hundred

General powers.

Rates of dockage.

hundred tons, *sixty cents* per day ; and from two hundred to three hundred tons, *seventy cents* per day.

SECT. 3. *Be it further enacted,* That if the said corporation, their toll-gatherer, or any other person in their employment, shall unreasonably delay or hinder any vessel from entering the same, or shall ask or receive more toll or dockage than is by this act allowed, the said corporation shall forfeit and pay a sum, not exceeding *five hundred dollars*, nor less than *fifty dollars*, to be recovered by any person so delayed or defrauded, before any court in the county of *Essex*, proper to try the same, in a special action on the case, the writ in which case shall be served on the said corporation, by leaving an attested copy thereof, with the clerk, treasurer, or any individual member of the said corporation, fourteen days, at least, before the return day of said writ, and the said clerk, treasurer, or individual member, shall be allowed to defend the said suit in behalf of the said corporation.

Penalty for delaying vessels, or exacting illegal toll.

SECT. 4. *Be it further enacted,* That nothing in this act shall be so construed, as to subject any schooner or other fishing vessel, which shall make said dock a place of safety, for and during the usual time, not employed in the fishery in the winter season, to any toll or dockage as aforesaid, but the owner or owners of such vessel or vessels shall severally pay *eighteen dollars*, in lieu of toll or dockage, during the said term, to commence at the usual season when fishing vessels are laid up for the winter, which term shall continue to the middle of March ; and after the expiration of said term, such vessels shall be subjected to the same toll or dockage as other vessels.

Dockage for fishing vessels.

SECT. 5. *Be it further enacted,* That said corporation may purchase and hold any land or flats, which may impede the prosecution of their said plan, paying to the person holding the same, such damages as shall arise from taking the same, which damages shall be estimated as in cases of turnpike-roads, where the same cannot be obtained by voluntary agreement. And whenever the rights and privileges of any person or persons may be affected by the making of said dock, the damages arising therefrom shall be estimated by a committee appointed by the Court of Common Pleas for the county of *Essex*, saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages, happening to individuals by the laying out of highways.

Lands may be taken and held.

Marblehead
allowed to take
clay and gravel
from the flats.

SECT. 6. *Be it further enacted*, That in consideration of the town of *Marblehead* having relinquished all their right, title, and interest, in and to the premises aforesaid, the said town shall be, and hereby are allowed, by their surveyor of highways, and as by him shall be thought expedient, annually to take from the flats aforesaid, clay and gravel, for the repairs of the highways in said town, in as full and ample a manner as though this act had never been passed: *Provided*, the same be done in such a manner as shall do no injury to the said corporation.

First meeting,
how to be call-
ed. Officers
to be chosen.

SECT. 7. *Be it further enacted*, That Thomas Elkins before named, be, and he is hereby authorized to call the first meeting of the said corporation, by publishing a notification thereof in one or more of the newspapers printed in *Salem*, ten days prior to said meeting; at which meeting the said corporation may choose seven directors, who are hereby authorized to appoint a clerk, treasurer, dockmaster, and such other officers as they may think expedient for regulating the concerns thereof; and may also then and there agree upon a method for calling future meetings: And such elections, and all other questions, shall be determined by a majority of votes, reckoning one vote to each share; *Provided*, that no proprietor shall have more than ten votes: And shares in the said corporation shall be taken, deemed, and considered to be personal estate to all intent and purposes: And the said shares shall and may be transferable, and the mode of transferring said shares shall be by deed, acknowledged before any Justice of the Peace, and recorded by the clerk of the corporation in a book to be kept for that purpose.

Corporation
may be dissolv-
ed when in-
demnified.

SECT. 8. *Be it further enacted*, That the Legislature may dissolve the said corporation, whenever it shall appear to their satisfaction that the income arising from said toll or dockage, shall have fully compensated the said corporation for all their expences in purchasing, making, and keeping in repair the said dock, together with an interest thereon at the rate of twelve per centum per annum; and thereupon the property of the said dock, shall be vested in the said town of *Marblehead*, and be at their disposal, under the provisions and regulations of this act: *Provided*, that if the said corporation shall neglect, for the space of three years, to make the said improvements in the said Little Harbour, and complete the same for a dock as aforesaid, then this act shall be null and void.

SECT. 9. *Be it further enacted*, That as soon as may be after the said dock shall be finished, the said corporation shall deposit in the secretary's office, an account of all the expenses thereof; and shall also annually exhibit to the Governor and Council, an account of the income or dividend, arising from the said dockage, with the necessary annual disbursements for repairs; and the books of the corporation shall, at all times, be subject to the examination of a committee of the General Court, and also of the Governor and Council, when called for.

Statement of expenses, &c. &c. to be exhibited.

SECT. 10. *Be it further enacted*, That the stock or property in the said dock shall be held in shares, not exceeding one hundred and fifty, and shall be numbered in progressive order, beginning at *number one*, and every original holder shall receive a certificate under the seal of the said corporation and signed by the treasurer and clerk, certifying his property in such share as shall be expressed in said certificate.

Number of Shares.

Provided always, That nothing in this act contained shall be construed or operate to prevent the owner of Gerry's Island, his heirs, associates, or assigns, from retaining the same, or from adopting and carrying into effect a plan for docking vessels to the southward and eastward of the bar leading to his Island, and claimed as his property, and for constructing on the southern side of said bar, piers, wharves, stores and other accommodations, for his and their use and benefit forever, in as full a manner as he would have had if this act had never passed.

Proviso respecting the owner of Gerry's Island.

[This act passed June 14, 1805.]

An act to incorporate certain persons into a company by the name of "*The South Boston Association.*"

SECT. 1. **B***E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Tudor, Jonathan Mason, Harrison Gray Otis, Gardner Green, Gardner L. Chandler and John Smith, being proprietors of a part of a tract of land in the town of *Boston*, formerly belonging to the town of *Dorchester*, called Nook Hill, together with such of the proprietors of the residue of the said tract called Nook Hill, as may hereafter associate with them and their successors and assigns, being citizens of the United States, shall be, and hereby are constituted

General pow-
ers.

constituted a body politic and corporate by the name of the "*South Boston Association*" for the term of ten years and no longer, and the said corporation by the said name are hereby declared and made capable in law to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, and to make rules and bye-laws for the management and regulation of said estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law appertains to bodies politic.

Allowed to hold
land, make
streets, &c.

SECT. 2. *Be it further enacted*, That the said corporation be capable to have, hold and possess, such part of the said tract of land as may belong to the said proprietors named in this act, and of any others who may associate with them, and shall have power to make streets through the same, and divide it into lots, and to build walls to protect the same from the sea, and to erect buildings thereon, and the said corporate property, or any part thereof, to grant, sell, and alien in fee simple, or otherwise, and to lease, exchange, manage and improve the same, according to the will and pleasure of the proprietors, or the major part of them, present at any legal meeting, to be expressed by their votes.

Property to be
divided into
shares, and held
as personal es-
tate.

SECT. 3. *Be it further enacted*, That said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding five hundred, and upon the form of certificates to be given to individuals, of the number of shares by them respectively held, and upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate, in the same manner that shares in turnpike, bridge, and canal companies are by law held and considered; the said proprietors shall also have power to assess upon each share, such sums of money as may be deemed necessary for laying out, dividing, erecting walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act, and to sell and dispose of the share or shares of any delinquent proprietor, for the payment of assessments in such way and manner as said corporation may, by their rules and regulations, determine and agree upon; provided however, that the value of buildings, which may be owned by the said corporation, at any one time, shall not exceed *thirty thousand dollars* in value, exclusive of such as may be taken as security for debts.

SECT.

SECT. 4. *Be it further enacted,* That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner following; viz. in addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the secretary or clerk of said corporation, and the debtor's share or shares, in the corporate funds, shall be held thereby to respond said suit, according to law; all transfers of the debtor's shares, in the said corporate funds, not noted in the books of the corporation previously to the delivery of such summons, shall be barred thereby; and execution may be levied on the property of any stockholder in the said corporation, and his shares therein exposed to sale, in the same manner, as is by law provided when personal estate is taken in execution: And it shall be the duty of the officer, who extends such execution; to leave an attested copy thereof, with his doings thereon, with the clerk or secretary of said corporation, and the purchaser shall thereupon be entitled to the reception of all dividends and stock, and to the same privileges as a member of said corporation, that the debtor was previously entitled to, and to none other. And it shall be the duty of the secretary or clerk to expose the books of the corporation to the officer, so far as respects the number of shares said debtor may own, and to furnish him with an official certificate of the number of shares owned by said debtor.

Shares liable to attachment.

SECT. 5: *Be it further enacted,* That any two of the proprietors may call the first meeting, by advertising the same in any one of the public newspapers printed in *Boston*; at least three days before the time of meeting, and at that or any other meeting, may elect a moderator, treasurer, clerk, or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, or on any other occasion, when it shall be required by a majority in value of the members present, the votes shall be given by shares, allowing one vote to each share, provided only that no member shall have more than ten votes.

First meeting, how to be called.

SECT. 6. *Be it further enacted,* That nothing herein contained shall be deemed or construed to affect the right or estate of any proprietor of the said tract who may not associate and become a member of the corporation. And at the expiration of said term of ten years all real estate then

The rights of persons who do not associate, not to be affected.

then belonging to the said corporation, shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common, in proportion and according to the number of shares which they may then hold; provided always, that the said proprietors shall have power after the expiration of said term to sue for and recover and divide in their corporate capacity all debts which may then be unpaid.

[This act passed June 14, 1805.]

An act to set off William Parker, jun. from the *first*, and annex him to the *third* parish in *Reading*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Parker, jun. of *Reading*; in the county of *Middlesex*, with his polls, and that part of his estate which lies within the line of the *third* parish, be, and hereby is set off from the *first*, and annexed to the *third* parish in *Reading*; Provided, the said Parker shall previously pay his proportion of taxes assessed upon him; and due to the said *first* parish prior to the date of this act.

[This act passed June 15, 1805.]

An act to incorporate the plantation called *Bostwick*, in the county of *Oxford*, into a town by the name of *Newry*.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation heretofore called *Bostwick*, in the county of *Oxford*, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Newry*, viz.—Beginning at the northerly corner of a tract of land sold to Phineas Howard, and on the westerly line of *New-Pennakook*, (now *Rumford*), thence running north nineteen degrees west on said line, two miles and two hundred and ninety-eight rods, to *East-Andover*; then south, seventy-one degrees west, by said *East-Andover* and land sold to Silas Hall and others, four miles and two hundred and thirty-five rods to a stake; then north, nineteen degrees west, three miles and two hundred

hundred rods, to the south-easterly corner of the township called A, number two ; then south, eighty-nine degrees west, by the southerly line of the township last mentioned, two miles and about sixty rods, to the north-easterly corner of the township called A, number one, then south, eight degrees west, by the township last mentioned, six miles and about two hundred and eighty rods, to the north-easterly corner of Peabody's patent, (now *Gilead*,) then south, nineteen degrees east, by said *Gilead*, to *Sudbury Canada*, (now *Bethel*,) thence easterly by said *Bethel*, and the land sold to the said Howard, to the place of beginning : And the said town of *Newry* is hereby vested, with all the powers, privileges, rights, and immunities, and subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That either of the Justices of the Peace for the said county of *Oxford*, be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of the said town of *Newry*, requiring him to notify and warn the inhabitants of said town, to meet at such convenient time and place, as shall be appointed in said warrant, to choose such officers as towns within this Commonwealth, are by law required to choose in the months of March or April annually.

First meeting.

[This act passed June 15, 1805.]

An act to establish "the *Middlesex Turnpike Corporation*."

WHEREAS a turnpike-road from Tyngsborough meeting-house, to a point in *Bedford*, equally well situated for the accommodation of travellers, to Charles-River and West-Boston bridges, and there dividing and going from thence to each of the aforesaid bridges, would be of great public convenience and utility :

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Swan, jun. Perkins Nichols, Royal Makepeace, Ebenezer Bridge, William Whittemore, jun. and James Abbot, and all others who are or may hereafter become proprietors, and their associates, and successors, be, and they hereby are incorporated and made a body politic, by the name of the *Middlesex*

dlesex Turnpike Corporation ; and by that name may sue and be sued to final judgment and execution, and do and suffer all other things which bodies politic may or ought to do and suffer : and said corporation shall have full power and authority to make and use a common seal, and the same to break, alter and renew at pleasure, and shall have full power and authority to make, lay out, and keep in repair, a turnpike road as aforesaid : Beginning at *Tyngsborough* meeting-house ; and from thence running in the most direct practicable line to *Chelmsford* meeting-house, and from thence, in a like direct line, to *Billerica* meeting-house, and from thence in the nearest practicable line to the point aforesaid in *Bedford*, at a stake in land of Abel Wyman, about twelves miles, and one hundred and twenty rods from *Boston* ; and from thence, to extend a branch of said road on a line as straight as is practicable, to Symmes' corner, so called, in *Medford*, and from thence, in the most convenient route, to the street in *Medford* village, near the southwest corner of the garden lately belonging to the Hon. John C. Jones. The other branch to commence at the said point or stake, and run on as near a straight line as is practicable, to the rocks (so called) in *Cambridge*, from thence to continue on the old road to a point near and between the houses of Stephen Goddard and Walter Frost, and from thence in nearly a straight line to the *Cambridge* and *Concord* turnpike road, at the westerly part of said road which is laid out one hundred feet wide near West Boston bridge, which road shall be laid out four rods wide, and the travelling path not less than twenty-four feet wide : *Provided however*, that an equal sum shall be expended by the corporation on each branch thereof.

General powers.

First Branch.

Second Branch.

Corporation to enjoy the usual privileges, &c. &c.

SECT. 2. *Be it further enacted*, That the said corporation shall be entitled to all and singular, the powers, provisions, limitations and restrictions which are particularly delineated for the government and organization of turnpike corporations, in an act entitled an act defining the general powers and duties of turnpike corporations, passed March the sixteenth, one thousand eight hundred and five.

[This act passed June 15, 1805.]

An act determining the times for holding the Courts of Common Pleas and General Sessions of the peace within and for the county of *Essex*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Court of Common Pleas and the Court of General Sessions of the Peace, within and for the county of *Essex*, shall be holden at *Ipswich* on the last Monday of March, at *Salem* on the last Monday of June, at *Newburyport* on the last Monday of September, and at *Ipswich* on the last Monday of December in every year:—*Provided nevertheless*, that the term of said Courts, which before the passing of this act was to be holden at *Salem* on the last Tuesday of June instant, shall be then and there holden; and all actions, processes, appeals or recognizances, which have been sued out, commenced, or made returnable to said term of said Courts, shall be then and there entered, prosecuted, tried and determined, and executions awarded, and other proceedings thereupon had, in the same manner, as if this act had never been made, any thing herein to the contrary notwithstanding.

New Terms.

Proviso respecting courts at Salem.

SECT. 2. *Be it further enacted*, That all actions, appeals, recognizances or other processes, that now are or may hereafter be commenced, or sued out, returnable to the term of said Courts, which, before the passing of this act, was to be holden at *Newburyport*, within and for the county aforesaid, on the last Tuesday of September next, shall be returnable to, entered, prosecuted, tried, determined and adjudged, at the term of said Courts, to be holden by virtue of this act at *Newburyport* on the last Monday of September.

Business transferred.

[This act passed June 15, 1805.]

An act to establish a Corporation by the name of the *Andover and Medford Turnpike Corporation*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Porter, Joseph Hurd, Nathan Parker, Oliver Holden, and Fitch Hall, together with such persons as may hereafter associate with them, and their successors and assigns, shall be, a corporation by the

the name of the *Andover and Medford Turnpike Corporation*, for the purpose of making a turnpike road, from near the house of John Russell, in *Andover*, running by the east side of Martin's pond, so called, on nearly a straight line to the house of Jeremiah Nichols, in *Reading*; thence to near the west parish meeting-house in *Reading*; thence on nearly a straight line to the house of David Hays in *Stoneham*; thence by the west side of Spot pond, so called, to the market place in *Medford*, on as straight a line as the ground will admit of: And for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties contained in an act entitled an act defining the general powers and duties of turnpike corporations, passed the sixteenth day of March, A. D. 1805.

Course of the road.

[This act passed June 15, 1805.]

An act to incorporate the inhabitants of *Barnardstone's Grant* and a part of *Bullock's Grant*, in the county of *Berkshire*, into a town, by the name of *Florida*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described tract of land, viz. Beginning at the southwest corner of *Barnardstone's Grant*, at the northwest corner of *Savoy*; running thence an eastwardly course on the line of said *Savoy*, to the northeast corner of said *Savoy*; thence a north course to *Deerfield* river; thence up the said *Deerfield* river, northwardly, so far that a line drawn a due west course, will strike the northeast corner of said *Barnardstone's Grant*; thence a westerly course on the north line of said *Barnardstone's Grant*, to the east line of *Adams*; thence a southwardly course in the said line of *Adams*, to the northwest corner of *Savoy*, first mentioned, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Florida*; and the said town is hereby invested with all the powers, privileges, and immunities which other towns in this Commonwealth do or may enjoy by law.

Boundaries.

SECT. 2. *Be it further enacted*, That Israel Jones, Esq. be, and he hereby is empowered and required to issue his warrant to some suitable inhabitant of the said town of *Florida*, requiring him to warn the qualified inhabitants

First Meeting.

habitants thereof to meet at some convenient time and place, to choose such officers as towns are by law required to choose in the month of March or April annually.

[This act passed June 15, 1805.]

An act to establish a corporation by the name of the *Worcester and Fitzwilliam Turnpike Corporation*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Abbot, Joseph Allen, Edward Bangs, Elisha Andrews, Silas Cutler, Moses Clark, Abiel Alger, Phineas Read, John McClanathan, Lockart Smith, and Isaiah Thomas, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the *Worcester and Fitzwilliam Turnpike Corporation*, for the purpose of laying out and making a turnpike road, from the court-house in the town of *Worcester*, to the meeting-house in *Holden*; from thence to the meeting-house in *Hubbardston*; from thence to Holman's road, so called, near the house of Samuel Cook, in *Templeton*; from thence to or near the bridge, which is near Baldwin's mills in said *Templeton*; and from thence to the state line of Newhampshire, near Grave's mills in the town of *Fitzwilliam*; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an act entitled an act defining the general powers and duties of turnpike corporations, passed the sixteenth day of March, A. D. 1805.

Course of the road.

[This act passed June 15, 1805.]

An act in addition to an act entitled "An act to establish a corporation by the name of the *Union Turnpike Corporation*."

WHEREAS no provision is made in said act, whereby the Courts of General Sessions of the Peace of the several counties through which said road shall pass, may authorize the committee, whom they shall appoint to lay out said road, to estimate the damages which individuals, through whose land said road shall pass, may sustain, or to appoint a committee for that purpose on application of

Preamble.

the

the proprietors of said road, but only on application of the individual who may sustain such damage, whereby the said corporation is subjected to great delay and expence : Wherefore,

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Courts of General Sessions of the Peace, of the several counties through which said road shall pass, be, and they are hereby authorized to empower the committee, whom they may appoint to lay out said road, agreeably to said act of incorporation, to estimate the damages which the several individuals, through whose land said road shall pass, may sustain, saving to each individual, and to the corporation, the right of having such damage estimated by a jury, as is provided for by said act of incorporation.

[This act passed June 15, 1805.]

An act determining the times and place of holding the several Courts of Common Pleas and Courts of General Sessions of the Peace, within and for the county of *Cumberland*.

SECT. 1. **B***E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the last day of June instant, the Court of Common Pleas, within and for the county of Cumberland, shall annually be holden at Portland, on the first Tuesday of March, and on the third Tuesday of June, and on the third Tuesday of November.*

SECT. 2. *Be it further enacted, That the Court of General Sessions of the Peace in the said county of Cumberland, shall be holden annually at Portland, on the third Tuesday of March and on the first Tuesday of September.*

SECT. 3. *Be it further enacted, That all laws heretofore passed, regulating the times and place, for holding of the said Courts in the said county of Cumberland, from and after the said last day of June, shall be, and the same are hereby repealed.*

[This act passed June 15, 1805.]

Courts of Sessions authorized.

New Terms.

Former laws repealed.

An act declaring and confirming the incorporation of the proprietors of the Meeting-House in Federal-Street, in the town of *Boston*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all persons who now are, or who may hereafter be the proprietors of the pews in the congregational meeting-house, situate in Federal-Street, in the town of *Boston*, be, and they are hereby declared and confirmed to be a body politic and corporate, by the name of the *Proprietors of the Meeting-House in Federal-Street*, in the town of *Boston*; and the said corporation shall be, and hereby are deemed in law to be seized of the same meeting-house, with all the lands under, adjoining and belonging to the same, with the privileges and appurtenances, including the dwelling-house recently erected on the land appurtenant to said meeting-house, for the accommodation of the minister of that society, reserving however, to the several proprietors of the pews in said meeting-house, their right to and interest in the said pews respectively.

Incorporating clause.

SECT. 2. *Be it further enacted*, That the said proprietors shall meet annually on the first Wednesday in May at the said meeting-house, or at such other place as their committee may appoint, and at such other times, as they may be duly notified for, in manner hereafter mentioned; and at said annual meeting, after having chosen a moderator, shall choose a clerk, treasurer, and a committee of seven persons, who shall all continue in office, during the year, and until others are chosen in their room: *Provided however*, if, for any cause, the said annual meeting should not be holden, then the said officers may be chosen at any other meeting duly notified for that purpose.

Annual meeting, and officers to be chosen.

SECT. 3. *Be it further enacted*, That the said clerk shall be sworn to the faithful discharge of the duties of his office, and it shall be his duty to record all the votes, and all the proceedings of the said proprietors, and of the said committee, in separate books, to be kept by him for that purpose; and the said committee, or a major part of them, shall have full power to manage all the prudential affairs of the said proprietors, in the same, and in as ample a manner as parish committees are authorized by law to manage the prudential affairs of parishes, and to notify any proprietors' meeting, by posting up a notification at the door

Clerk to be sworn

Committee to manage prudential affairs.

of said meeting-house, seven days, at least, before the time of holding the same.

Proprietors to enjoy privileges, fulfil contracts, form new contracts, &c.

SECT. 4. *Be it further enacted*, That the said proprietors shall be entitled to all the privileges they have heretofore in fact enjoyed, and shall be bound by all the contracts they have heretofore in fact entered into, as well with their present minister, as with others, and be subject to all the duties they have heretofore been subject to ; and the said proprietors are also empowered from time to time to make such further contracts, and raise such sums of money, annually, as they shall judge necessary, for the maintainance and support of the public worship of God, for the repairs or alterations of said meeting-house, and making any reasonable addition to the salary of their present or any future minister, and for other parochial and incidental charges, including any sums that may be due for the completion of the ministerial house lately erected by the said proprietors, on the lot adjoining said meeting-house, for the accommodation of their minister, and all monies, so raised by the said proprietors, shall be paid annually, or by instalments, at such times and in such proportions, as said proprietors shall direct.

Mode of assessment ; pews liable to be taken and sold, &c.

SECT. 5. *Be it further enacted*, That all monies raised by the said proprietors for the purposes aforesaid, shall be assessed by the said committee, or by the major part of them, upon the several proprietors of the pews in said meeting-house, according to the relative value of said pews, regard being had to their situation and convenience ; and the pews in said house shall be held liable to be taken and sold, for the payment of all assessments duly made as aforesaid, and for the discharge of all expenses incurred by such sale, in such manner, and on such contingencies and conditions as have been, or may be agreed upon by the said proprietors, and which are, or shall be, summarily expressed and contained in the deed or conveyance of the pews ; and the assessments made as aforesaid, shall be considered as a lien upon the pews in said meeting-house ; and a bill of each proprietor's assessment, and of the time or times of payment, shall be left in his pew, of which fact, the oath of the treasurer, or of the person by him employed for that purpose, shall be sufficient evidence.

Cases of death or resignation.

SECT. 6. *Be it further enacted*, That if any of the officers chosen by said proprietors shall die or resign, during the year for which they may be chosen, other persons may

may be elected in their room, for the remainder of the year, at any meeting of the proprietors, to be notified by a major part of the committee, but in all cases where there may be but one of the committee in office, he shall have sufficient authority to call any meeting of the proprietors.

SECT. 7. *Be it further enacted*, That Henry Hunt-er and Francis Wright, or either of them, may cause the first meeting of said proprietors to be called, for the purpose of choosing the officers of said proprietors, for the year ensuing, and for any other purpose specified in a notification by them to be posted up at the door of said meeting-house, giving notice of the time and place of said meeting, at which meeting the said proprietors may agree on the mode of notifying future meetings.

Who may call first meeting.

[This act passed June 15, 1805.]

An act to alter the names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this act, James Bowdoin Temple, of *Boston*, in the county of *Suffolk*, gentleman, shall be allowed to take the name of James Temple Bowdoin; that Samuel Bass Wales, of *Randolph*, in the county of *Norfolk*, a minor, shall be allowed to take the name of Ephraim Wales; that John Allen the 4th, of *Salem*, in the county of *Essex*, shall be allowed to take the name of John Woodbury Allen; that George Smith, of *Salem*, in the county of *Essex*, house-wright, and son of Isaac Smith, of *Rowley*, in said county, shall be allowed to take the name of George Hibbert Smith; that William Hobby, jun. of *Portland*, in the county of *Cumberland*, shall be allowed to take the name of William Gardner Hobby; that John Rogers, of *Charlestown*, in the county of *Middlesex*, mariner, shall be allowed to take the name of John Weston Rogers: And said persons in future shall be respectively known, and called by the names which they are respectively allowed to take as aforesaid, and the same shall hereafter be considered as their only proper names to all intents and purposes.

[This act passed June 15, 1805.]

An act to incorporate a number of the inhabitants of the town of *Bethel*, town of *Newry*, and plantation of *Howard's Gore*, (so called.) in the county of *Oxford*, into a Religious Society, by the name of the "*First Baptist Society in Bethel*."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa

Names of persons incorporated.

Kimball, John Killgore, jun. Stephen Fastes, Ithiel Smith, jun. John Killgore, Samuel Ayer, Ephraim Powers, Samuel Gossom, Joseph Ayer, Jonathan Smith, Samuel Killgore, Daniel Bear, Ebenezer Bear, Moses Mason, Thomas Stearns, Asa Foster, Jonathan Clark, William Russel, Isaac Towne, Naphthali Coffin, Jesse Bean, David Coffin, Walter Mason, Paul Morse, Joseph Farrar, Betsey Clark, and Enoch Bartlett, with their families and estates, be, and they are hereby incorporated into a Religious Society, by the name of the "*First Baptist Society in Bethel*," with all the powers, privileges, and immunities to which parishes are entitled by the constitution and laws of this Commonwealth : *Provided*, that all such persons shall be holden to pay their proportion of all monies assessed in the towns and plantations aforesaid, for parochial purposes, prior to the passing of this act.

Proviso.

How to become a member.

SECT. 2. *Be it further enacted*, That any person belonging to the said town of *Bethel*, *Newry* or plantation of *Howard's Gore* aforesaid, being of the baptist denomination, who may, at any time hereafter, actually become a member of, and unite in religious worship with the said society, and give in his or her name to the Clerk of the town, parish or plantation to which he or she belongs, with a certificate, signed by the Minister or Clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid baptist society, fourteen days previous to the town, parish, or plantation meeting therein, to be held in the month of March or April, shall, from and after giving in such certificate, with his or her polls and estates, be considered as part of said society.

How to leave said society.

SECT. 3. *Be it further enacted*, That if any member of said baptist society, shall at any time see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said baptist society, and also with the Clerk of the town, parish

parish or plantation, in which he or she may reside, fourteen days at least before the annual town, parish, or plantation meeting, to be held therein in the month of March or April, and shall pay his or her proportion of all money assessed on said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said baptist society.

SECT. 4. *Be it further enacted,* That any Justice of the Peace in the said county of *Oxford*, is hereby authorized to issue his warrant, directed to some suitable member of said baptist society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant. to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of March or April annually.

First meeting.

[This act passed June 15, 1805.]

An act to incorporate a number of the inhabitants of the town of *Bristol*, in the county of *Lincoln*, into a Religious Society, by the name of the *First Congregational Society in Bristol*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Atkins, Joseph Bailey, Ebenezer Bearce, John Bearce, Aaron Blaney, jun. Samuel Boyd, John Boyd, David Burr, Thomas Calderwood, James Carlisle, Arthur Child, Hannah Child, Mary Child, William Chamberlain, Samuel Clark, Joseph Clark, Nathaniel Church, Thomas Clough, James Curtice, Samuel Doe, James Drummond, James Drummond, jun. Timothy Fitch, John Fitch, Alexander Fossett, John Fossett, William Fossett, Henry Fossett, Henry Fossett, jun. William Greenlaw, Amos Goudy, Hervey Hall, Richard Hiscock, James Hiscock, Marius Howe, Zebulon Howland, George Howland, Elisha Hatch, jun. John Hassey, Joshua House, Henry Hunter, Thomas Hunter, William Hunter, John Huston, John Huston, 2d. John Huston, 3d. William Huston, William Huston, 2d. William Huston, 3d. Robert Huston, Robert Huston, jun. Robert Huston, 3d. Thomas Huston, James Huston, David Hutchins, Thomas Hutchins, William Johnson, James Jones, William Kelsey, James Kelsey, James Laughton, Hugh

Name of persons incorporated.

Hugh Little, John Mears, Thomas Miller, James Merton, jun. Ephraim McMichael, John McKown, John Nickels, William Nickels, David Ordway, William Page, George Page, Hugh Paul, James Paul, Bedfield Plummer, William Russell, William Russell, jun. George Sproule, Robert Sproule, William Sproule, Robert Thompson, John Tomlinson, Gershom Wentworth, Samuel Wentworth, John Wentworth, Samuel Woodward, James Woodward, and James Wylice, with their families and estates, together with such others, as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the "*First Congregational Society in Bristol*," in the county of *Lincoln*, with all the powers, privileges, rights, and immunities, to which other parishes are entitled by the Constitution and laws of this Commonwealth.

How to become
a member.

SECT. 2. *And be it further enacted*, That any person in the said town of *Bristol*, who may be desirous of becoming a member of the said first congregational society, and shall declare such intention in writing, given in to the Clerk of the said first society, fifteen days previous to the annual parish meeting, and shall receive a certificate, signed by the said Clerk, or the Minister of the said society, that he, or she, has actually become a member of, and united in religious worship with the said first society in *Bristol*, such person shall, from the date of such certificate, be considered, with his or her polls and estate, as a member of said society.

How to leave
said Society.

SECT. 3. *Be it further enacted*, That when any member of the said first society in *Bristol*, shall see cause to leave the same, and to unite in religious worship with any other religious society in the said town, and shall give notice of such intention to the clerk of the said first society, and shall also give in his or her name to the clerk of such other society, fifteen days previous to the annual meeting of said society, and shall have received a certificate of membership signed by the Minister or Clerk of said society, such person shall, from the date of such certificate, with his or her polls and estate, be considered as a member of said society: *Provided however*, that every such person shall always be held to pay his or her proportion of all parish charges, in the society to which such person belonged, assessed, and not paid previous to the leaving said society.

SECT.

SECT. 4. *Be it further enacted,* That either of the justices of the peace for the county of *Lincoln*, upon application therefor, is hereby authorized to issue his warrant directed to some member of the said First Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings.

[This act passed June 15, 1805.]

An act authorizing his Excellency the Governor, by and with advice of the Council, to provide regulations for the State Prison.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Criminals convict, who have been sentenced to confinement to hard labor for terms not yet expired, or who shall hereafter be sentenced to confinement to hard labor for life, or to solitary imprisonment, and also to confinement to hard labor for any term exceeding one year, shall, and may be imprisoned, restrained and employed in, and within the precincts of the state prison, situate in *Charlestown*, in the county of *Middlesex*: And that His Excellency the Governor be, and he hereby is authorized and empowered to draw his warrant, under the seal of the State, directed to such officer or officers as he may think proper, requiring them to remove such convict or convicts as aforesaid from any jail in any county of this Commonwealth to the State Prison aforesaid; and all officers, keepers of said prison, and keepers of the several jails in the Commonwealth, are hereby required to do and perform all such duties and services as His Excellency may in any such warrant by him issued require.

Criminals directed to be imprisoned, at *Charlestown*; and the Governor is authorized to grant warrants.

SECT. 2. *Be it further enacted,* That the keeper of said prison shall receive all such persons, convicted before the Circuit Court of the United States, at any term of said Court holden in this Commonwealth, as may be sentenced by said court to confinement and hard labor for any term of time, and safely keep such convicts until they shall be discharged by due course of the laws of the United States.

Criminals convicted at Circuit Courts to be received.

SECT. 3. *Be it further enacted,* That the Governor, by and with the advice and consent of the Council, shall have

Officers of the prison to be appointed; and rules, &c. to be established.

have authority to appoint annually, and as often as any vacancy may require, and remove at pleasure, a chaplain, a physician, an agent or superintendant, and such other officers, assistants and servants, as shall and may appear fit and necessary for the government, employment and regulation of the said convicts; and to make and establish all such rules, orders, regulations and bye-laws, as may in his opinion be fit and proper for the due management and government of the said convicts: *Provided*, such rules, orders, regulations and bye-laws be not repugnant to the constitution and laws of this Commonwealth: And also to furnish and provide for said convicts such food, fuel, clothing and all matters and things, as shall or may in his opinion be necessary for the sustenance and accommodation of the said convicts; and also to procure, and furnish, and provide such materials and utensils as may be necessary and proper for the purpose of employing said convicts during the continuance of their confinement in said State Prison.

Money may be drawn.

SECT. 4. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, be, and he is hereby authorized to draw his warrant upon the treasurer of this Commonwealth, in favor of such agent or superintendant as he may appoint as aforesaid, for such sum or sums of money as he shall deem fit and sufficient, to the several purposes mentioned in this act, not exceeding the sum of *thirteen thousand dollars*, the said agent or superintendant to be accountable for the expenditure of the same: And the said superintendant shall give a bond to the said Commonwealth in the sum of *twenty thousand dollars*, with sufficient surety to be approved by the Governor with the advice of the Council, and upon condition that said superintendant shall do, observe and perform all the duties incumbent on him, as such agent or superintendant.

Superintendants to give bonds.

Act limited.

SECT. 5. *Be it further enacted*, That this act shall continue in force until the first day of June, in the year of our Lord one thousand eight hundred and six, and no longer.

[This act passed June 15, 1805.]

An act to authorize the several banks, incorporated within this Commonwealth, to issue bills of the denomination of *one, two and three* dollars.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, and during the pleasure of the Legislature, the president and directors of all the banks incorporated under the authority of the Legislature of this Commonwealth, with power to issue promises of their own, on banking principles, be, and they hereby are authorized and empowered to issue and emit bills of the denominations of *one, two and three* dollars, to the amount of *five per centum* of their several capital stocks, actually paid in, any thing in their respective acts of incorporation to the contrary notwithstanding: *Provided however*, that this privilege shall not be construed to authorize the said banks, to owe or issue bills or promises to any greater amount than by their respective acts of incorporation they are already privileged to owe or issue.

Bills of 1, 2 and 3 dollars to be emitted, with a proviso.

SECT. 2. *Be it further enacted*, That the bills of the denomination of *one, two and three* dollars, shall be constructed with the denomination of the bill in each of the corners thereof in figures, and in the body of the bills in large capital letters, with an oval border lengthwise of the bill, and the word *Massachusetts*, in large capital letters, under the upper part of the oval border; to be signed by the president, and countersigned by the cashier of the bank, from which the same may issue, and no bank shall issue any bill of an oval form or impression, of an higher denomination than *three* dollars.

Bills how to be made.

SECT. 3. *Be it further enacted*, That before any of the bills, of the denomination aforesaid, shall be issued by any bank, the amount which said bank is allowed to issue, shall be impressed: And the president and directors of the several banks, in their returns and statements, as required by law, shall state the amount of said bills in circulation, and the amount thereof on hand; And no further impression or emission of said bills shall be created or allowed by virtue of this act.

Each bank to have its whole amount impressed before issuing.

SECT. 4. *Be it further enacted*, That the several statements and returns which, by the respective acts of incorporation of the several banks or other corporate bodies, are directed to be made to his Excellency the Governor

Future statements from banks to be made under oath

error and the Council of this Commonwealth, shall hereafter be made under the oaths of the president and the several directors and cashiers or trustees and treasurers of the said several banks, or other corporate bodies, at the several periods directed by their respective acts of incorporation, which oath shall be administered by some magistrate duly authorized to administer oaths, and who shall have no interest in the said corporate body.

[This act passed June 15, 1805.]

An act to incorporate Royal Makepeace, and others, into a society, for the purpose of building a meeting-house, and supporting public worship therein, in the easterly part of *Cambridge*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Royal Makepeace, John Cook, Josiah Mason, jun. Daniel Mason, and Andrew Boardman, and their associates, and their successors, be, and they hereby are constituted and made a corporation and body politic, by the name of the "*Cambridge-port Meeting-house Corporation*," and shall by that name sue and be sued, and shall have a common seal, and also may ordain and establish, and put in execution, such bye-laws and regulations, as to them shall seem necessary and convenient for the government of said corporation: *Provided*, such bye-laws and regulations shall be in no wise contrary to the laws and constitution of this Commonwealth: And may hold and purchase land for the erection of a house for public worship thereon, and may purchase and hold real and personal estate, the annual income of which shall not exceed the sum of *two thousand dollars*, for the purpose of building a meeting-house, and supporting public worship therein.

SECT. 2. *Be it further enacted*, That the shares in said corporation shall not exceed *one hundred* in number, and shall be considered as personal estate: *Provided always*, that the certificates and transfers of the same, shall be recorded in the registry of deeds for the county of *Middlesex*.

SECT. 3. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any tax or assessment duly voted for the purposes of this corporation, and d upon by said corporation, to the treasurer thereof, within

General powers.

Land may be held.

Shares.

Shares of delinquents to be sold.

within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, to defray said tax and necessary charges, after publishing notice in one of the newspapers printed in *Boston*, of the sum due on such share or shares, and of the time and place of sale, at least thirty days previous to such sale, and a certificate of the same sale under the hand of the president and clerk of the corporation, shall transfer and vest all the right, title and interest of the delinquent in the share or shares thus sold to and in the purchaser; and if the same share or shares thus sold, shall sell for more than the taxes and assessments thereon due, the overplus shall be paid over to said delinquent by the treasurer on demand.

SECT. 4. *Be it further enacted*, That each proprietor, or his agent duly authorized in writing, shall have a right to vote in all meetings of said corporation, and be entitled to as many votes as he holds shares: *Provided*, that no person shall be entitled to more than ten votes. Right to vote.

SECT. 5. *Be it further enacted*, That a meeting of said corporation shall be holden at the house of Josiah Mason, jun. innholder, in said *Cambridge*, on the twenty-fifth of June instant, for the purpose of choosing a president, treasurer and clerk, and such other officers as shall be deemed necessary, and also to agree upon a mode of calling meetings of said corporation in future. First Meeting.

SECT. 6. *Be it further enacted*, That the several officers of said corporation shall be chosen annually, by a majority of votes given in at the time of the election, and that the day of the annual election shall be established at the first meeting of said corporation. Officers to be chosen annually.

SECT. 7. *And be it further enacted*, That the president and clerk of said corporation, shall sign the certificates of the shares of the proprietors in this corporation. President and clerk to sign certificates.

SECT. 8. *Be it further enacted*, That the clerk of said corporation before he enters upon the duties of his office, shall be sworn to the faithful discharge of the same. Clerk to be sworn.

[This act passed June 15, 1805.]

An act in addition to an act entitled "an act to establish the Blue-Hill Turnpike Corporation."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Blue-Hill Turnpike Corporation, be, and hereby are authorized and empowered to alter the course of a part of said turnpike road in *Milton*, and instead of laying out and making the same from an apple-tree in the land of Ezra Coates in said *Milton*, to the house of Joseph Babcock, to lay out and make the said turnpike road from said apple-tree, to or near to the guide post in *Milton*, at Swift's corner, so called, near to the house of John Swift, in *Milton*.

New course.

Committee authorized.

SECT. 2. *Be it further enacted*, That the committee already appointed by the Court of General Sessions of the Peace to lay out said turnpike road, and to estimate the damage that may be done to persons over whose land the same may pass, be, and hereby are authorized and empowered to lay out said road in the direction last mentioned, and to estimate the damage that may be done to any person over whose land the same may pass, in the same manner as they are authorized by the act to which this is in addition.

Toll for man and horse.

SECT. 3. *Be it further enacted*, That said corporation be, and hereby are authorized and empowered to demand and receive for every person and horse that may pass the gate on said turnpike road, *five cents*.

{ [This act passed June 15, 1805.] }

END OF JUNE SESSION 1805.

L A W S

PASSED AT THE SESSION COMMENCED ON THE
SIXTEENTH OF JANUARY, 1806.

BOARD OF HEALTH.

Feb. 3, An. 1806.

An act to enable the members of the Board of Health in the town of *Boston*, and the clerks in the several wards in said town, to perform their official duties, in the wards established in the year of our Lord one thousand eight hundred and five.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the members of the Board of Health in the town of *Boston*, and the several clerks of the respective wards in said town, chosen according to the division of wards which had been established in the year of our Lord, one thousand seven hundred and thirty-five, be, and they hereby are required to do their official duties, within the wards as established by said town, to take place on the first day of February, in the year of our Lord, one thousand eight hundred and six, which bear the numerical name of those wards for which they may have been respectively chosen, until a Board of Health and ward clerks shall have been chosen according to the division of said town into wards as last mentioned: And the members of the Board of Health, and the several clerks of the respective wards, and the assistant assessors in said town, shall hereafter be chosen within the wards as established to take place on the said first day of February, in the year of our Lord, one thousand eight hundred and six.

[This act passed February 3, 1806.]

An act to incorporate William Frost and others, proprietors in common of certain mines, called the *Washington Mines*, in the town of *Newfield*, in the county of *York*, by the name of the *Washington Mining Company*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Frost, Esq. Samuel Haven, jun. Henry Haven, William Jones, and Joseph Gavett, and their associates, proprietors and owners of the *Washington Mines*, so called, in the town of *Newfield*, in the county of *York*, and their successors, be, and hereby are incorporated by the name of the *Washington Mining Company*; and by that name may sue and be sued, with liberty to have and use a common seal; and the same to break and alter at pleasure.

Names of persons incorporated.

SECT. 2. *Be it further enacted*, That as the said corporation is intended for the purpose of digging and refining fuller's earth, and exploring any minerals or metals, contained in the mines they own, in the aforesaid town of *Newfield*; that they have liberty to employ a capital stock of *one hundred thousand dollars* in said business, including the value of their land, and the buildings and works requisite for improving the said mines.

Amount of capital stock.

SECT. 3. *Be it further enacted*, That the property of said corporation shall be, and hereby is divided into eighteen shares, which shares shall be deemed personal estate.

Number of shares.

SECT. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, at any legal meeting, to choose a clerk, who shall be sworn to the faithful performance of his duty; a treasurer, and such other officers, as to said corporation shall appear necessary, and make any reasonable bye-laws, rules and regulations for the management of said mining business, not repugnant to the constitution and laws of this Commonwealth: *Provided*, the proprietors of a majority of the shares aforesaid, shall be present, and assent thereto; and in all cases votes shall be taken by shares, the owners being present or their legal attorney or representative; and the said William Frost, Esq. is hereby authorized to call the first meeting of said corporation, at which meeting said corporation may agree on the mode of calling meetings in future.

Officers may be chosen, and bye-laws made.

SECT. 5. *Be it further enacted,* That at any legal meeting of said corporation, a majority of the proprietors of said shares present, may assess such sum or sums of money on said corporation, as they shall deem necessary to defray the expenses that have arisen or shall arise in the management of their business aforesaid, and fix the time when it shall be paid to the treasurer; and in case of delinquency, may direct the treasurer to sell the delinquent's share or shares, to raise the sums assessed and charges of the sale, in the same way and manner which is provided in the tenth section of an act, entitled, "An act defining the general powers and duties of turnpike corporations," passed in the year of our Lord, one thousand eight hundred and five.

Assessments may be laid, & delinquents' shares sold.

SECT. 6. *Be it further enacted,* That said shares shall be transferable by certificate under the seal of the corporation, a record thereof being made by the clerk, in a book kept for that purpose, and in no other manner, except as provided by this act; and the exhibit of such certificate, so recorded, shall entitle the purchaser, his heirs and assigns, to hold the same forever.

Transfer of shares.

SECT. 7. *Be it further enacted,* That said shares shall be liable to attachment on mesne process, and to be sold by execution, in the same way and manner which is provided in and by an act, entitled, "an act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies," passed in the year of our Lord, one thousand eight hundred and five.

Shares liable to attachment.

[This act passed Feb. 10, 1806.]

An act in addition to, and for repealing a certain clause in an act, passed March twenty-eighth, in the year of our Lord, one thousand seven hundred and eighty-eight, entitled "an act to prevent the destruction of Alewives and other fish in Ipswich river, and to encourage the increase of the same."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the future using and improving of Barnabas Dodge's saw-mill, standing on Ipswich river, at Warner's mill-dam, so called, within the towns of Ipswich and Hamilton, from the last day of April to the first day of June, annually, shall be under

The improvement of Dodge mill, for a certain time, to be under direction of certain select men.

under

under the directions, regulations and restrictions of the major part of the selectmen of the towns of *Ipswich*, *Hamilton*, *Topsfield*, *Middleton* and *Reading*, for the time being; such directions, regulations and restrictions, being made in writing under the hands of the major part of the selectmen aforesaid, and delivered to the said Dodge from time to time as shall be found necessary.

SECT. 2. *Be it further enacted*, That for every omission or violation of such directions, regulations or restrictions as aforesaid, the said Dodge shall be subject to such penalties and forfeitures as are incurred by an act entitled "an act to prevent the destruction of alewives and other fish in Ipswich river, and to encourage the increase of the same," for using and improving said mill, within the term aforesaid; to be sued for, recovered and applied in manner as is prescribed in the said act.

SECT. 3. *Be it further enacted*, That the sixth clause of the aforementioned act, so far as it respects the using and improving the said Dodge's saw-mill, within the term therein mentioned, shall be, and hereby is repealed.

[This act passed Feb. 11, 1806.]

An act to establish a corporation by the name of the
Ashby Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abraham Edwards, Allen Flagg, Stephen Wyman, Cushing Burr, Alexander T. Willard, Robert W. Burr, Aaron Warren, Ebenezer Stone, Asa Stratton, William Stearnes, Samuel Rice, Lewis Gould and Stephen Patch, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the *Ashby Turnpike Corporation*, for the purpose of laying out and making a turnpike road, from the state line between *Newhampshire* and the Commonwealth of *Massachusetts*, near the house of William Kendall, and from thence to the south side of Wantatook hill, and from thence through *Ashby*, to *Townsend-Plain*, in *Townsend*, near Joel Butler's; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "an act defining the general powers and duties of turnpike corporations,"

Penalties for
disobeying the
directions.

Part of former
act repealed.

corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five. [This act passed Feb. 11, 1806.]

An act to establish a corporation by the name of the
Norton Turnpike Corporation.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Silas Cobb, Joseph Hewins, Benjamin Bates and Elijah Crane, together with such persons as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of the *Norton Turnpike Corporation*, for the purpose of making a turnpike road: Beginning at the boundary line between this Commonwealth and the state of *Rhode-Island*, at *Warren*; thence to or near *Norton* meeting-house; thence to or near the meeting-house in *Mansfield*; from thence running to the west of *Mashapog* pond, and to or near *Sharon* meeting-house; and from thence into the *Taunton-road*, at or near school-house number three, in *Canton*, as nearly straight from each mentioned place to the other, as a locating committee shall think will best accommodate the public: And for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

Persons incorporated; and course of the road.

SECT. 2. *Be it further enacted*, That said corporation is hereby allowed to grant monies to such persons as have rendered services to the proprietors, in exploring the rout of the turnpike road, or otherwise; previous to this act of incorporation, or to such persons as have advanced monies to pay any expences which may have accrued.

Monies may be granted.

SECT. 3. *Be it further enacted*, That when the said turnpike road shall be approved by committees to be appointed by the Courts of Common Pleas, in the respective counties through which said road shall pass, then said corporation shall be authorized to erect four turnpike gates, or such a number of half toll gates, as not to exceed four whole toll gates, on the said road, as the aforesaid committees shall direct.

Four gates allowed when the road is approved.

[This act passed Feb. 11, 1806.]

An act to set off part of the town of *Northborough*; and annex the same to the district of *Berlin*, and to set off part of said district of *Berlin*; and annex the same to the said town of *Northborough*:

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same; That all the lands and buildings thereon, lying northerly of the line herein described; belonging to the town of *Northborough*, in the county of *Worcester*, be, and hereby are set off from the said town of *Northborough*, and annexed to the district of *Berlin*, in the same county of *Worcester*; and that all the land lying southerly of said line, belonging to the said district of *Berlin*, be, and hereby is set off from said district of *Berlin*, and annexed to the said town of *Northborough*: viz. said line beginning at a stake and stones on the line between *Marlborough* and said *Berlin*, twenty-four rods from the northwest corner of said *Marlborough*; thence north, thirty-three degrees west, two hundred and twenty-six rods, to a stake and stones on the line between said *Northborough* and said district of *Berlin*.

Boundaries of the lands set off.

SECT. 2. *Be it further enacted*, That there be thirty-six milles taken from the sum set against said town of *Northborough* by the last valuation to pay to one thousand dollars state tax, and added to the sum set against said district of *Berlin*: And in future all state and county taxes against said town and district to be governed accordingly, until a new valuation is taken.

Alteration in the valuation.

[This act passed Feb. 15, 1806.]

An act to establish a company, by the name of the *Worcester and Stafford Turnpike Corporation*.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Wight, jun. Timothy Newell, Samuel Hobbs, Thomas Upham, James Johnson, John Tarbell, Abijah Shumway, Simeon Allen, Abel Allen, Abel Allen, jun. Samuel Shumway, Comfort Johnson, Stephen Harding, Oliver Morse, Alpheus Wight, John Munger, Stephen Needham, James Tiffany, Samuel Willard, Humphrey Needham, Joseph Pratt, Hollowell Perrin, Jacob Thompson, Ezra

Names of persons incorporated.

Ezra Webber, Isaac Partridge, Nehemiah May, Joshua Barrett, and Terrence Webber, together with such others as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the *Worcester and Stafford Turnpike Corporation*, for the purpose of locating, making, and keeping in good repair, a turnpike road, from the post road in the town of *Worcester*, through the towns of *Leicester*, *Charlton*, *Sturbridge*, *Holland* and *South-Brimfield*, to the line between *Massachusetts* and *Connecticut*, and so as to meet the *Hartford* turnpike, in the town of *Stafford*, in the state of *Connecticut*, or through a corner of *Brimfield*, as the committee herein named, shall direct : And for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an act, entitled “an act defining the general powers and duties of turnpike corporations,” passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

Course of the road.

SECT. 2. *And be it further enacted*, That Salem Town, Abner Brown, and Aaron Marsh, Esq's. be, and they hereby are appointed a committee to locate said road in the best direction, according to their best skill and judgment, from the post road in *Worcester*, to the end of the *Stafford* turnpike, at the line of this Commonwealth, in *South-Brimfield* ; and the said committee are hereby empowered to assess such damages as any individual may sustain by reason of laying out and making said road, when the corporation and such individual cannot agree, reserving to either party the right of trial by jury, according to the law which provides for the recovery of damages accruing by the laying out of public highways : And when the said committee have completed their business, they shall make return to the next Courts of General Sessions of the Peace, to be holden in the counties of *Worcester* and *Hampshire*, of the courses, and distances, and damages assessed in each county ; which shall have the same effect, as though the same had been done by a committee appointed by said Courts, for the same purposes ; and that the expence of the said committee shall be paid by the said corporation.

Committee authorized.

[This act passed Feb. 15, 1806.]

An act in addition to an act entitled "an act to incorporate William Bartlett and others, into a company, by the name of the *Newburyport Marine Insurance Company*."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tenth section of the act entitled "an act to incorporate William Bartlett and others, into a company, by the name of the *Newburyport Marine Insurance Company*," which is in the words following, viz. "And be it further enacted, That no person, being either singly or as a partner with one or more persons, a member of any other company, carrying on the business of Marine Insurance in said *Newburyport*, shall be eligible as a director of the company by this act established," be, and hereby is repealed.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, no person, being a director in any other Marine Insurance Company, shall be a director of the *Newburyport Marine Insurance Company*, incorporated by the act to which this is in addition.

[This act passed Feb. 15, 1806.]

An act for limiting the times within which writs of error shall be brought for the reversing of any judgments.

WHEREAS it is expedient that titles, estates and interests, depending on judgments recovered at law, should be quieted after a reasonable time expired after the rendition of such judgments: therefore,

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no judgment in any action or suit heretofore, or which hereafter may be rendered, shall, from and after the passing of this act, be reversed or avoided for any error or defect therein, unless the writ of error brought for reversing the same be sued out within twenty years next after the rendition of such judgment.

Provided always, that if any person who is or shall be entitled to such writ of error, shall at the time such title accrued, be within the age of twenty-one years, covert or non compos mentis: then such person, his or her heirs, executors or administrators, notwithstanding the said twenty years expired, may bring a writ of error for the reversing

Writs of Error to be sued out within 20 years.

Provide.

ing of any such judgment, as such person might have done in case this act had not been made, so as the same writ of error be sued out within five years after the coming of age, discoveture, coming of sound mind or death of such person, whichever shall first happen, and not afterwards.

[This act passed Feb. 15, 1806.]

An act prescribing the manner of proving private Acts and Resolves of this Commonwealth, in Courts of Law.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the printed copies of the private Acts and Resolves of this Commonwealth, which now are, or hereafter shall be printed by and under the authority of the Legislature of this Commonwealth, shall be admitted as good evidence thereof in all Courts of law, without any further proof whatsoever.

[This act passed February 15, 1806.]

An act exempting Cobbossee Contee River, in the town of Gardiner, from the operation of all laws regulating the Salmon, Shad, and Alewife Fisheries.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all laws heretofore made, which regulate the fishery of Salmon, Shad and Alewives, in Cobbossee Contee River, so called, within the town of Gardiner, in the county of Kennebec, or that respect any mill-dam across said river, be so far repealed, that from and after passing this act, they shall cease to operate, or have any effect, so far as respects said river, or any part thereof.

[This act passed Feb. 17, 1806.]

An act establishing the times and place of holding the Court of General Sessions of the Peace, within and for the county of Essex.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Court of General Sessions
of

New terms.

of the Peace for the county of *Essex*, shall be holden at *Ipswich*, within and for the county of *Essex*, on the second Tuesday of April, and the second Tuesday of October, annually; and all writs, processes, recognizances, and other matters and things, returnable to, or continued at the term of said Court, heretofore by law to be holden within and for the county of *Essex*, on the last Monday of March next, shall be returnable and stand continued to, and have day in said Court, which is hereby to be holden in and for said county on the second Tuesday in April next.

Former laws repealed.

SECT. 2. *Be it further enacted*, That all laws heretofore made and passed, fixing and establishing the times and places of holding the Court of General Sessions of the Peace within and for said county of *Essex*, be, and the same hereby are repealed.

[This act passed Feb. 17, 1806.]

An act establishing the times and places of holding the Courts of Common Pleas, and the Courts of General Sessions of the Peace in the county of *York*.

New terms.

SECT. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Courts of Common Pleas within and for the county of *York*, shall be holden at *York*, on the third Monday in April; at *Alfred*, on the second Monday in September; and at *Biddeford*, on the first Monday in January, annually. And the Courts of General Sessions of the Peace, within and for the county of *York*, shall be holden at *York*, on the Thursday next preceding the third Monday in April; and at *Alfred*, on the Thursday next preceding the second Monday in September, annually.

Business transferred.

SECT. 2. *Be it further enacted*, That all actions, suits, appeals, plaints, bills, informations, recognizances and things whatsoever, now pending by continuance, appeal or otherwise, or which may be hereafter commenced to be heard and tried at the Court of Common Pleas to be holden at *York*, within and for the county of *York*, on the fourth Monday in April next; shall be continued to, have day in, acted upon, heard and tried at the Court of Common Pleas, to be holden at *York*, by virtue of the first

SECTION

section of this act : And all petitions and other matters and things continued to, now pending in, or to be commenced at the Court of General Sessions of the Peace, to be holden at *York*, within and for the county of *York*, on the Wednesday next preceding the third Tuesday of April next ; shall be continued to, have day in, acted upon, heard and determined at the Court of General Sessions of the Peace, to be holden at *York*, by virtue of the first section of this act.

SECT. 3. *Be it further enacted*, That all laws heretofore made, establishing or altering the times and the places of holding the Courts of Common Pleas, and the Courts of General Sessions of the Peace, within and for the county of *York*, be, and the same are hereby repealed.

Former laws repealed.

SECT. 4. *Be it further enacted*, That the secretary shall cause this act to be published in the *New-England Palladium*, and in the several newspapers printed in *Portland*, as soon as may be.

Secretary directed.

[This act passed Feb. 21, 1806.]

An act for setting off Elijah Goodenough and others from the first precinct in *Boylston*, in the county of *Worcester*, and annexing them to the second precinct in *Boylston*, *Sterling* and *Holden*.

WHEREAS, when the second precinct in *Boylston*, *Sterling* and *Holden* was incorporated, the lands now owned by Elijah Goodenough, David Hathan, Levi Peirce, Francis Keyes, Jacob Hinds, Hollis Peirce, John Smith and Jonas Holt, included within the lines of the said second precinct, were, by the certificate of the choice of the owners thereof, reannexed to the first precinct in *Boylston*, according to the provision made in the second section of the act incorporating said second precinct, and they have now petitioned to be annexed to the said second precinct :

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Elijah Goodenough, David Hathan, Levi Peirce, Francis Keyes, Jacob Hinds, Hollis Peirce, John Smith and Jonas Holt, together with all their lands and tenements, lying within the said second precinct, be, and they are hereby set off from the first precinct in *Boylston*, and annexed to the second precinct in *Boylston*, *Sterling* and *Holden*. *And*

Names of certain persons who are set off.

And whereas, Oliver Peirce, William Eames, Jonathan Plimpton, Daniel Harris, Edmund Brigham, Zachariah Child and Thomas Hatherly, have also petitioned that they may be set off from the said first, and annexed to the said second precinct :

Names of other persons set off.

SECT. 2. *Be it further enacted*, That they, the said Oliver Peirce, William Eames, Jonathan Plimpton, Daniel Harris, Edmund Brigham, Zachariah Child and Thomas Hatherly, with their families and estates, be, and they hereby are set off from the said first precinct, in the town of *Boylston*, and annexed to the said second precinct in *Boylston, Sterling and Holden*.

[This act passed February 22, 1806.]

An act to establish a corporation, by the name of the *Plumb-Island Turnpike and Bridge Corporation*.

Bridge allowed ; manner of building it, &c. directed.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Leonard Smith, Ebenezer Stocker, Moses Brown, William Bartlett, David Coffin, Jonathan Gage and John Greenleaf, together with all such other persons as have or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the *Plumb-Island Turnpike and Bridge Corporation*, for the purpose of laying out and making a turnpike road from the north-east end of Rolf's Lane, in the town of *Newbury*, in the county of *Essex*, in a line as direct as practicable to a point on Plumb-Island, about one mile north of Sandy-Beach, so called, and building a bridge across Plumb-Island river, and other necessary bridges, and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed March the sixteenth, one thousand eight hundred and five : *Provided*, said bridge across said Plumb-Island river, be constructed in the following manner, viz. that there shall be a convenient draw in said bridge of thirty feet in width, and that there shall be a wharf by the side of the draw extending twenty-five feet from each side of said bridge, and a plank fixed for a towing-path through the draw, on the same side with said wharf, for the convenience of towing of vessels and boats through

through said bridge, and an arch of fifty feet in width under said bridge, the under side of said arch to be at least eight feet above high-water mark, at a common tide : and provided, the said draw shall be kept raised, in the night time, from the fifteenth day of August, to the first day of October, annually, and be raised at all other times, for vessels or boats to pass free of toll ; and one lamp shall be kept burning over the centre of said arch, and another lamp at the draw in the night time, from the said fifteenth day of August, to the first day of October, annually.

SECT. 2. *Be it further enacted,* That said corporation be, and hereby are authorized and empowered to demand and receive, *two cents* of each foot person who may pass the gate, which may be established for said turnpike and bridge ; and that said corporation shall take such effectual measures as will prevent all such horses, neat cattle, sheep and swine, as may be found going at large, from passing over said turnpike and bridge, so as to get on to the salt-marsh, or said Plumb-Island adjoining.

Toll established,
&c.

[This act passed Feb. 24, 1806.]

An act to annex the town of *Hinsdale*, to the middle district, for the Registry of Deeds, for the county of *Berkshire*:

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the town of *Hinsdale*, be, and hereby is annexed to the middle district for the Registry of Deeds, in the county of *Berkshire*, and the qualified voters of said town shall in future vote accordingly, for a Register of Deeds for the said middle district.

[This act passed February 25, 1806.]

An act authorizing the inhabitants of the town of *Acton*, in the county of *Middlesex*, to regulate the taking of fish, called Shad and Alewives, within the limits of said town.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall be lawful for the inhabitants

The right of fishing may be sold.

habitants of *Acton*, to sell the right and regulate the times, places, and manner of taking Shad and Alewives within the limits of said town, not exceeding, in point of time, three days in a week : And the inhabitants of said town, at their annual meetings in March or April, are hereby authorized and empowered to appoint agents, whose duty it shall be to carry into execution the purposes of this act.

Agents to make the sale, and to be accountable.

SECT. 2. *Be it further enacted*, That the agents aforesaid may, in behalf of said town, and for their use and benefit, sell the right and regulate the times, places and manner of taking said fish within the town aforesaid : And for the proceeds of the sale of said right, said agents shall be held to account with and pay to the said inhabitants, from time to time in such manner as they shall direct by vote in said meetings, in March or April.

Penalty for taking the fish contrary to rules which may be exhibited.

SECT. 3. *Be it further enacted*, That the said agents shall forthwith, after establishing such rules and regulations, and determining by whom said fish may be taken, cause a copy thereof, under their hands, to be posted up in two or more public places within the said town : And if any person or persons, other than those to whom said right shall be sold as aforesaid, shall take any of said fish within the town aforesaid, or if any person or persons to whom said right shall be sold as aforesaid, shall take any of said fish, at any other time, in any other place, or in any other manner, than shall be expressed in the conditions of the sale to them, such person or persons, so offending, shall severally and for each and every offence, forfeit and pay treble the value of said fish, so taken ; to be recovered in an action on the case, to the use of any person who may sue for the same

[This act passed February 25, 1806.]

An act to incorporate Simon Larned and others, by the name and stile of the President, Directors and Company of the *Berkshire Bank*.

Names of persons incorporated.

SECT. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simon Larned, Timothy Childs, Joshua Danforth, Daniel Pepoon, David Campbell, James D. Celt, jun. Thomas Allen, jun. Theodore Hinsdale, jun. Ebenezer Center, Joseph Merrick, and their associates, successors and assigns, shall be, and hereby are created and made a corporation, by the name

name and stile of the President, Directors and Company of the Berkshire Bank, and shall so continue from the first Monday of October next, until the first Monday of October, in the year of our Lord, one thousand eight hundred and twelve; and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended in any Courts of record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution, such bye-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of their affairs: provided such bye-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth: And the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

General powers.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of *seventy-five thousand dollars* in gold or silver, to be divided into shares of *one hundred dollars* each; and the said sum of *seventy-five thousand dollars* shall be paid in, on or before the first Monday of October, in the year of our Lord, one thousand eight hundred and six; and no discount shall be made at said bank, until the directors and company aforesaid shall have produced satisfactory evidence to the Governor and Council, that the whole of said capital stock has been paid in, and actually exists, in gold and silver, in their vaults: And the stockholders at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of the stock and the profits thereof, which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns: *Provided,* that no stockholder shall be allowed to borrow at the said bank until he shall have paid in his full proportion of the said capital stock: And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of *ten thousand dollars*, and no more at any one time; with power to bargain, sell and dispose of, the same lands, tenements and hereditaments, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think advisa-

Amount of capital, the number of shares into which it is to be divided, and the real estate allowed to be held.

ble : *Provided however*, that nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate on execution, or in mortgage to any amount, as collateral security for the payment of any debt due to the said corporation.

Restrictions as to the bills....discounts and real estate...who are not eligible as directors ; how stockholders' meetings shall be called...what officers shall be chosen, &c. &c.

SECT. 3. *Be it further enacted*, That the following rules, limitations and provisions shall form, and be the fundamental articles of the said corporation. First, that the said corporation shall not issue and have in circulation at any one time, bills, notes or obligations, to a greater amount than twice their stock actually paid in ; neither shall there be due to the said corporation, at any one time, more than twice their capital stock paid in as aforesaid : And in case of any excess, the directors under whose administration it may happen, shall be liable for the payment of the same, in their private capacity ; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with such excess. Second, that the said corporation shall not vest, use or improve any of their monies, goods, chattels or effects, in trade or commerce ; but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned, with interest and charges. Third, that the lands, tenements and hereditaments which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business. Fourth. None but a member of the said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a director ; and the directors shall choose one of their own number to act as president : and the cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the board of directors, in a sum not less than *ten thousand dollars*, with conditions for the faithful discharge of the duties of his office. Fifth. That for the well ordering the affairs of the said corporation, a meeting of the stockholders shall be held at such place as they shall direct on the first Wednesday in October, annually ; and at any other time during the continuance of the said corporation, and at such place as shall be appointed by the president and directors for the time being, by public notification given two weeks previous thereto, in a newspaper printed in *Pittsfield* : at which annual meeting there shall be chosen by ballot, seven directors, to continue in office the

the year ensuing their election ; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions : that is to say, for one share, one vote ; and every two shares above one, shall give a right to one vote more ; *Provided however*, that no one member shall have more than ten votes ; and absent members may vote by proxy, being authorised in writing. Sixth. The stockholders may make the president such compensation as to them shall appear reasonable. Seventh. Not less than four directors shall constitute a board for the transaction of business ; of whom the president shall always be one, except in case of sickness, or necessary absence ; in which case the directors present, may choose a chairman, for the time being, in his stead. Eighth. All bills issued from the bank aforesaid, and signed by the president, shall be binding on the corporation ; but it shall not be lawful to issue any bills between *five and ten dollars*, and thence proceeding decimally ; nor more than five per centum of their capital stock, of bills under *five dollars* ; and those of the denomination of *one, two and three dollars*, and of an oval form, of the same impression as the other banks of this Commonwealth are by law allowed to issue. Ninth. The directors shall make half yearly dividends of all the profits, rents, premiums and interests of the bank aforesaid. Tenth. The directors shall have power to appoint a cashier, clerks, and such other officers for carrying on the business of said bank, with such salaries as to them shall seem meet. Eleventh. No director of any other bank shall be eligible to the office of director of this bank, although he may be a stockholder therein ; and any director accepting an office in any other bank, shall be deemed to have vacated his place in this bank.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of *Pittsfield*, in the county of *Berkshire*.

Bank to be kept
at *Pittsfield*.

SECT. 5. *Be it further enacted*, That any committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said corporation, and shall have free access to all their books and vaults ; and if upon such examination, and after a full hearing of the said corporation thereon, it shall appear evident that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the

Legislative
committee may
examine books,
&c. & the charter
shall be forfeited,
if the rules, &c. are
not complied
with.

rules,

rules, restrictions and conditions in this act provided, their charter of incorporation shall thereupon be declared forfeited and void.

First meeting of stockholders—to be called.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of the said corporation as soon as may be, at such time and place as they may see fit, by advertising the same for two weeks successively in the *Pittsfield Sun*, for the purpose of making, ordaining and establishing such bye-laws, ordinances and regulations, for the orderly conducting the affairs of the said corporation, as the said stockholders shall deem necessary; and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Semiannual statements to be made.

SECT. 7. *Be it further enacted*, That it shall be the duty of the directors of said bank to transmit to the Governor and Council of this Commonwealth for the time being, on the first Mondays of January and June, every year, and as much oftener as may be required, accurate and just statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, notes of other banks, and of the gold and silver and other coined metals on hand; which statements shall be signed by the directors, and attested by the cashier; and shall be verified by the oaths of such directors and cashier, to be administered by some disinterested magistrate.

The original amount of altered bills to be paid.

SECT. 8. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder, the original amount of any note of said bank, which may be altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Bank liable to be taxed.

SECT. 9. *Be it further enacted*, That nothing contained in this act, shall be construed to prevent the legislature from taxing the said bank at any time hereafter, when they shall judge it expedient.

The Commonwealth may become interested in the bank.

SECT. 10. *Be it further enacted*, That the Commonwealth shall have a right, whenever the government thereof shall make provision by law, to subscribe to, and become interested in the capital stock of the said bank, by adding thereto in a sum not exceeding one third part thereof, subject to the regulations and provisions, to be by them made and established.

SECT. 11. *Be it further enacted*, That one eighth part of the whole funds of the said bank, shall always be appropriated to loans to be made to citizens of this Commonwealth, and wherein the directors shall wholly and exclusively regard the agricultural interest; which loans shall be made in sums of not less than *one hundred dollars*, nor more than *five hundred dollars*, and upon the personal bond of the borrower, with collateral security by sufficient mortgage of real estate, for a term not less than one year, and on condition of paying the interest annually, on such loans; subject to such forfeiture and right of redemption, as is by law provided.

One eighth of the capital to be appropriated for loans to promote the agricultural interest.

SECT. 12. *Be it further enacted*, That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money not exceeding *seven thousand five hundred dollars*, reimbursable at five annual instalments, or at any shorter period, at the election of the Commonwealth; with the annual payment of interest, at a rate not exceeding *five per centum*: *Provided however*, that the Commonwealth shall never at any one time, stand indebted to the said corporation, without their consent, for a larger sum than *seven thousand five hundred dollars*.

Corporation to loan to the Commonwealth, when required.

SECT. 13. *Be it further enacted*, That when execution shall issue upon any judgment recovered against the president, directors and company of the *Berkshire Bank*, and shall be returned unsatisfied in the whole or in part, the plaintiff may sue out a *scire facias* against such persons who were president and directors of the same bank at the commencement of the original action, and are living; to have execution against their goods and estate: And for want thereof, upon their bodies; and execution shall be awarded accordingly, with customary damages and costs; unless the defendants can shew that the said judgment is satisfied; or that the transactions of the said bank have been conducted and managed with fidelity, prudence and discretion.

Case of execution on a judgment recovered against the president and directors.

SECT. 14. *Be it further enacted*, That the said corporation shall be holden to pay a premium of *fifty dollars*, to every person who shall prosecute, to conviction, in any court having jurisdiction thereof, any person or persons who shall counterfeit or alter the bills of said bank.

A premium of 50 dolls. to be paid to any prosecutor of a counterfeit of bills.

SECT. 15. *And be it further enacted*, That all the bills or notes issued from said bank, shall be printed and made from stereotype plates.

Bills to be printed on

An act empowering the inhabitants of that part of the county of *Oxford*, which lies southwesterly of the town of *Waterford*, to choose a Register of Deeds.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the towns of *Fryeburg*, *Brownfield* and *Lovell*, and such plantations and lands, in said county of *Oxford*, as lie southerly of *Gilead*, and westerly of *Bethel*, *Albany*, *Waterford*, and the county of *Cumberland*, be, and they hereby are constituted a district, for the registry of deeds; and the inhabitants of the said district, are hereby authorized to choose a register of deeds, for the same district, in manner provided by law: And the register, so chosen, shall keep his office within the said town of *Fryeburg*; and *Judah Dana*, Esquire, a Justice of the Peace within and for said county of *Oxford*, is hereby authorized and empowered to issue his warrant, directed to the selectmen of the aforesaid towns of *Fryeburg*, *Brownfield* and *Lovell*, and to the assessors of those towns and plantations, authorized by law to vote for a register of deeds, within said district: ordering them forthwith to convene the inhabitants of the said towns and plantations, qualified to vote for a register of deeds, that they may proceed to the choice of some meet person, qualified by law, for the office of register of deeds; and ordering the said selectmen and assessors to seal up and transmit a transcript of the record of the number of votes, and persons voted for, in their respective towns and plantations; together with the warrant, to the Court of Common Pleas, next to be holden at *Paris*, within and for the said county of *Oxford*, on the second Tuesday of June next, to be opened and compared with the like returns, from the other towns and plantations in such district: And the person having the majority of votes, after being sworn, and giving bond, as by law directed, shall be the register of deeds in said district, and shall continue in the said office, until the last day of March, one thousand eight hundred and eleven; and until said register, so chosen as aforesaid, shall be re-elected, or another person is chosen and sworn in his room, unless sooner removed or discharged by order of the Court of Common Pleas, for the said county of *Oxford*: And if it shall appear that no person has a majority of votes for said office, in said district, upon the examination of the returns, as aforesaid, the same proceedings

District formed for the election of a register of deeds; mode of election, &c. prescribed.

proceedings shall be had, as are directed by law, in other cases of vacancy in the office of register of deeds.

SECT. 2. *Be it further enacted*, That the person chosen as aforesaid, shall be subject to the same rules and disqualifications, to which registers of deeds for the several counties are subject: And from and after the first day of July next, shall be fully authorized and empowered to register and record all deeds of conveyance of any lands, or other real estate, lying within said district; and all such other deeds and instruments, as may, properly, be recorded by a county register; and the records of deeds and instruments as aforesaid, shall be valid, to all intents and purposes whatsoever: And the record of any deeds of conveyance of any land, or other real estate, lying within said district, which, at ^{past} the said first day of July next, shall be made by any other than the person to be chosen, as aforesaid, by the said district, shall be void, and of no effect; and the register, who shall be chosen as aforesaid, shall be entitled to the same fees, in the execution of his office, as the register of deeds of the several counties are entitled to.

Registers subject to the usual rules, & invested with suitable powers.

SECT. 3. *Be it further enacted*, That it shall be the duty of the present register of deeds, for the said county of *Oxford*, to deliver over all such records as he shall have made, as register of deeds for the northern district of the county of *York*, and for the county of *Oxford*, to the register who shall be chosen for the district which is hereby constituted.

The present records to be delivered to the register when chosen.

[This act passed Feb. 26, 1806.]

An act to set off Seth Phillips and Jabez Ward, from the town of *Gerry*, and to annex them to the town of *Athol*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Seth Phillips and Jabez Ward, with their families, and all those parts of their lands which are within the bounds of the town of *Gerry*, be, and they are hereby set off from the said town of *Gerry*, and shall be annexed to, and made a part of the town of *Athol*: *Provided however*, that the said Phillips and Ward, shall be holden to pay their respective proportions of all state, county, town and parish taxes, assessed upon them, and due to the said town of *Gerry*, prior to the date of this act:

And

And that the sum of *one cent*, be, and hereby is deducted from the proportion of the last state valuation, set to the town of *Gerry*, and added to the proportion of the state valuation set to the town of *Athol*.

[This act passed Feb. 28, 1806.]

An act in addition to an act, entitled, "an act in addition to an act to incorporate sundry persons by the name of the *Massachusetts Fire Insurance Company*."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the ^{same}, That from and after the passing of this act, the capital stock of the said *Fire and Marine Insurance Company*, shall be divided into shares of *fifty dollars* each, and the whole number of shares shall be eight thousand; and the whole capital stock and property, which the said company shall be authorized to hold, shall never exceed the sum of *four hundred thousand dollars*, exclusive of premium notes, and profits arising from their business: And the president and directors shall not be allowed to insure any sum, by which they shall hazard, on any one risk, more than seven and an half per centum of the amount of their capital stock; any thing in any former act to the contrary notwithstanding.

SECT. 2. *Be it further enacted*, That nothing in this act contained, shall prejudice or affect any policy of insurance heretofore made by said company; but in case of any loss or losses arising or happening on any such policy, heretofore made, the party insured thereby, shall have the same remedy, and the estate of each proprietor or stockholder shall be held accountable therefor, in the same manner, and to the same amount, as if this act had not been made.

SECT. 3. *Be it further enacted*, That no part of the capital stock of the said corporation, shall be withdrawn by the proprietors thereof, until every contract of insurance now existing, is discharged and terminated.

[This act passed March 3, 1806.]

Number & value of shares & amount of capital.

Existing policies not to be affected.

No part of capital to be withdrawn till existing contracts are fulfilled.

An act further to continue in force an act entitled "an act to incorporate sundry persons, by the name of the President and Directors of the *Nantucket Bank*."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act entitled "an act to incorporate sundry persons by the name of the President and Directors of the *Nantucket Bank*," which passed the twenty-seventh day of February, in the year of our Lord, one thousand seven hundred and ninety-five; also one other act, entitled "an act in addition to an act entitled an act to incorporate sundry persons by the name of the president and directors of the *Nantucket Bank*," which passed the first day of March, in the year of our Lord, one thousand seven hundred and ninety-seven, be, and hereby are continued in full force and effect, until the first Monday in October, which will be in the year of our Lord, one thousand eight hundred and twelve.

Former laws continued in force.

SECT. 2. *Provided however, and be it further enacted*, That from and after the first day of July next, the said corporation shall not issue bank bills of a less denomination than *five dollars*, to a larger amount than five per cent. upon their capital stock, nor any intermediate bills between *five* and *ten dollars*, and thence proceeding decimally; nor shall make any loan upon monies actually deposited in said bank for safe keeping.

Restrictions as to bills to be issued.

SECT. 3. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any bill of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

The original amount of altered bills to be paid.

SECT. 4. *Be it further enacted*, That nothing contained in this act, shall be construed to prevent the Legislature from taxing said bank, at any time hereafter, whenever they shall judge it expedient.

Bank liable to be taxed.

SECT. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the government thereof shall make provision by law, to subscribe to, and become interested in the capital stock of said bank, by adding thereto a sum not exceeding *thirty thousand dollars*; subject to the rules, regulations and provisions to be by them established.

The Commonwealth may become interested in the bank.

SECT. 6. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan

Common-wealth to have a right to a loan.

to the said Commonwealth, any sum of money, not exceeding *twenty thousand dollars*, reimbursable at five annual installments, or at any shorter period, at the election of said Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum: *Provided however*, that said Commonwealth shall never, at any one time, stand indebted to the said corporation, without their consent, for a larger sum than *twenty thousand dollars*.

[This act passed March 3, 1806.]

An act to incorporate Ezekiel Hersey Derby and others, for the purpose of building a bridge over South-river in *Salem*.

WHEREAS a bridge from Market and Front-streets, in *Salem*, over South-river, to the way lately laid out by the selectmen of *Salem*, will be of great public utility, as well as highly beneficial to the inhabitants of said town; and Ezekiel Hersey Derby and others, have petitioned this court for an act of incorporation, to empower them to build said bridge:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ezekiel Hersey Derby, and such persons as have associated, or may associate with him, for the purpose of building said bridge, shall be a corporation and body politic, under the name of *South Salem Bridge*; and shall so continue for and during the term of four years, from and after the passing of this act; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and do and suffer all other matters and things which bodies politic may or ought to do and suffer: And the said corporation shall have full power and authority to build a bridge over said river, at the place aforesaid, and to purchase and hold real estate, to the value of *twenty thousand dollars*; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure.

General powers.

SECT. 2. *Be it further enacted*, That the said bridge over South-river aforesaid, shall be well built, at least forty feet wide, of good and suitable materials; and be well covered with gravel, plank or timber on the top, suitable for such a bridge; with sufficient rails on each side, for the safety of passengers: and the said corporation shall also build a convenient and sufficient draw, or passage way,

Manner of building the bridge prescribed.

over the channel of said river, for the passing and repassing of vessels through said bridge : And shall also build, at the draw, a well constructed and substantial pier wharf, on each side of said bridge, and adjoining the draw, every way sufficient for vessels to lie at securely ; and all vessels intending to pass the said draw, shall be free of charge, at the said wharf or pier, until a suitable time shall offer for passing the same : And it shall be lawful for said corporation to make the leaves of the draw twenty feet long, instead of forty feet, the width of the bridge.

SECT. 3. *Be it further enacted,* That the Justices of the Court of General Sessions of the Peace for the county of *Essex*, shall be, and hereby are authorized and directed, on application of the said corporation, to lay out a highway from Market and Front-streets, aforesaid, to the channel of said river, not less than forty feet wide ; upon which, said bridge and piers shall be built : And the said corporation shall be holden to pay all damages which shall arise to any person by taking his land for said way ; where the same cannot be obtained by voluntary agreement, to be estimated by a committee of the Court of General Sessions of the Peace for said county ; saving to either party, a right of trial by jury, according to the law which makes provision for the recovery of damages, by laying out public highways.

New road to be laid out.

SECT. 4. *Be it further enacted,* That the said Ezekiel Hersey Derby, or any two of his associates, may, by an advertisement in the *Salem Gazette*, call a meeting of the members of said corporation, to be holden at any suitable time and place, after ten days from the publication of said advertisement ; and by vote of the majority of those present, or represented at said meeting, in all cases accounting and allowing a vote to each single share, they shall choose a clerk, who shall be sworn to the faithful discharge of his duty ; and also shall agree on a method for calling future meetings ; and at the same, or any subsequent meeting, may agree to raise any sum or sums of money they shall think necessary for the purposes aforesaid, and order the same to be assessed on the members of said corporation, according to the number of shares they respectively hold ; and may make and establish any rules and regulations that shall be necessary or convenient for regulating the said corporation, and for effecting, completing and executing the purposes aforesaid : Provided such rules and regulations are not repugnant to the laws and constitution of this Commonwealth :

How the first meeting is to be called, and what business may be transacted.

Commonwealth :

Commonwealth : And the said proprietors may also choose and appoint any other officer or officers of the corporation, that they may deem necessary : And all representations, at any meeting, shall be proved in writing, signed by the person making the same, which shall be filed with, and recorded by the clerk ; and this act, and all rules, regulations and votes of the said corporation, shall be fairly and truly recorded by the said clerk, in a book or books for that purpose, to be provided and kept.

SECT. 5. *Be it further enacted,* That when said bridge and piers shall be sufficiently made and built, and shall be approved by a committee of the Court of General Sessions of the Peace, for the county of *Essex*, appointed for that purpose ; the said corporation may transfer and deliver the same bridge and piers to the town of *Salem*, aforesaid ; which shall be obliged to receive, and forever after maintain and keep the same in repair : Provided, that the said town of *Salem*, shall, at any legal meeting hereafter to be holden for that purpose, accept the same.

SECT. 6. *Be it further enacted,* That if said corporation shall neglect, for the space of three years after the passing of this act, to build the said bridge, then this act shall be void.

[This act passed March 3, 1806.]

An act to incorporate the congregational society in the town of *Douglas*, as a religious society, by the name of the *Congregational Society in Douglas*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elijah Moore, Benjamin Wallis, jun. Aaron Marsh, Benjamin Dudley, Benjamin Craggin, Caleb Whiting, Edmund Carpenter, James Lee, John Farnum, Obadiah Morse, Paul Dudley, Ezekiel Preston, Levi Morse, Timothy Craggin, Abner Whiting, Jacob Morse, Samuel Williams, Amos Humes, Richard Howell, jun. Elijah Smith, jun. Edmund Carpenter, jun. John Partridge, Benjamin Larned, Samuel Balcome, Josiah Thayer, Henry Riedel, Simeon Marsh, John Whiting, Sylvanus Pratt, Oliver Hunt, Thomas Biglow, John Bolkcom, Samuel Wallis, Robert Hale, Otis Farnum, David Chase, Greenleaf Briggs, Samuel Chase, Reuben Ide, Moses Holbrook, Jonathan Sprague, Marvel Morse, Job Knap, Stephen Southworth, Daniel Taylor,
Ellis

The bridge to be transferred to the town of *Salem*.

Time for building limited.

Names of persons incorporated, and general powers.

Ellis Bolcom, Luke R. Stone, John Lee, Nathaniel Carpenter, Timothy Whiting, Otis Hunt, John Marsh, Clark Hunt, John N. Williams, Abishai White, Daniel Brown, Lemuel Dudley, Philip Howell, Asa Chase, Eseck Paine, Barnabas F. Howell, David Whiting, Joseph Hunt, Aaron Wallis, Benjamin Wallis, sen. David Wallis, Seth Jepherson, Amos Morse, Robert Smith, Elijah Brown, Josiah Humes, Abner Chilson, David White, Jesse Williams, Comfort Martin, jun. Comfort Claffen, Caleb Hill, Peter Reed, Job Jepherson, Joseph Read, Josiah Read, Samuel Cummings, Silas Cumings, William Jepherson, Elisha Hale, Ebenezer Cook, Jesse Morse, Joseph Robbins, with their polls and estates, be, and hereby are incorporated into a society, by the name of the *Congregational Society in Douglas*; and that they be, and hereby are invested with all the powers, privileges and immunities, to which other parishes or religious societies are entitled, by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That such other inhabitants of the said town of *Douglas*, as have heretofore usually attended public worship, with the congregational society therein, or who shall hereafter usually attend public worship with said incorporated society, shall be deemed and taken, with their polls and estates, as belonging to and making part of said incorporation, to all intents and purposes, as though particularly named in this act.

Persons considered included in the corporation.

SECT. 3. *Be it further enacted*, That the said incorporated society, from and after the passing of this act, be, and hereby is invested with the privilege of improving and enjoying the congregational meeting-house, in said town of *Douglas*, for the purpose of assembling therein, for public worship, in the same manner as the congregational society in said town has hitherto done; and of receiving and holding the donation which deacon Jeremiah Whiting made to the said town of *Douglas*; to be appropriated for the support of the congregational ministry & church therein, according to the intentions and directions of the donor.

Corporation to possess the meeting-house, &c.

SECT. 4. *Be it further enacted*, That the minister of said congregational society, shall have a right to occupy and improve the ministry wood-lot, in *Douglas* woods, (so called,) in the same way and manner, that the congregational minister has heretofore done.

The minister to have the benefit of the wood-lot.

SECT. 5. *Be it further enacted*, That Aaron Marsh, Esq. be, and he is hereby authorized to issue his warrant, directed to some inhabitant of said town, requiring him to
 notify

First meeting, how to be called.

notify and warn the members of said society, qualified to vote in parish affairs, to meet at such convenient time and place, as shall be expressed in said warrant, for the purpose of choosing such officers, as parishes are by law required to choose in the months of March or April, annually.

[This act passed March 3, 1806.]

An act to authorize the raising of a Fund for the support of Public Schools in the town of *North-Yarmouth*, in the county of *Cumberland*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Mason, Asa Lewis, Ammi R. Mitchell, William Buxton, Jacob Mitchell, Edward Russell, Samuel York, Cushing Prince, David Prince, Sylvanus Drinkwater and John Lawrence, be, and hereby are appointed Trustees to sell the School-Farm, so called, consisting of two hundred acres, more or less, belonging to said town of *North-Yarmouth*, which was originally appropriated for the use of schools; and to put out at interest the money arising from such sale, in manner hereinafter mentioned, and for that purpose.

Names of trustees.

SECT. 2. *Be it further enacted*, That the said Trustees be, and hereby are incorporated into a body politic by the name of *The Trustees of the School Funds in the town of North-Yarmouth, in the county of Cumberland*: and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Corporate name, and general powers.

SECT. 3. *Be it further enacted*, That the said Trustees and their successors shall and may annually elect a President, and Clerk to record the doings and transactions of the Trustees at their meeting, and a Treasurer to receive and apply the monies hereinafter mentioned as hereinafter directed, and any other needful officers, for the better managing their business.

Officers to be elected.

Number of trustees limited, and the trustees empowered to supply vacancies.

SECT. 4. *Be it further enacted*, That the number of Trustees shall not be, at any one time, more than eleven nor less than seven, any six of their number to constitute a quorum for transacting business, and they shall and may, from

from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise, from the inhabitants of said town ; and shall have power to remove any of their number, who may become unfit or incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made by a new choice from the town aforesaid ; and the said Trustees shall annually hold a meeting in March, and as much oftener as may be found necessary, to transact the business of said Corporation, which meetings, after the first, shall be called in such way and manner, as the Trustees shall hereafter direct.

SECT. 5. *Be it further enacted,* That Samuel Mason, be, and hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify each Trustee thereof. First meeting.

SECT. 6. *Be it further enacted,* That the said Trustees be, and are hereby authorized and empowered to sell and convey in fee simple the School Farm aforesaid, belonging to said town as aforesaid, and to make, execute and acknowledge a good and sufficient deed or deeds thereof which deed or deeds, subscribed by the name of their Treasurer, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey in fee simple from said town to the purchaser, to all intents and purposes whatever. Trustees to sell school-farm.

SECT. 7. *Be it further enacted,* That the monies arising from the sale of said School Farm, shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless the Trustees shall think it best to invest the same in public funded securities or bank stock of this Commonwealth, which they may do. Proceeds of sale to be put at interest.

SECT. 8. *Be it further enacted,* That the interest arising from time to time on such monies, shall be annually, or oftener, if practicable, put out at interest, and secured in manner aforesaid, and also the interest accruing from the interest, until a fund shall be accumulated on the sale of said School Farm and the interest arising thereon, which shall yield yearly the sum of *three hundred dollars* at least. The interest to be put at interest.

SECT. 9. *Be it further enacted,* That as soon as an interest to the amount of *three hundred dollars* annually shall accrue, the Trustees shall forthwith apply the same towards the annual support of public schools in said town, and When the interest amounts to 300 dollars, it is to be appropriated to the support of schools.

and to be apportioned among the several school districts in said town, in proportion to what they pay of town taxes, and it shall never be in the power of said town or Trustees to alter or alienate the appropriation of the fund aforesaid.

Trustees' clerk
to be sworn;
treasurer to give
bonds.

SECT. 10. *Be it further enacted*, That the Clerk of said Corporation shall be sworn, previous to his entering on the duties of his office, and the Treasurer of the Trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the money which may come into his hands, conformably to the true intent and meaning of this act, and for all negligence and misconduct of any kind in his office.

Trustees not to
be compensated

SECT. 11. *Be it further enacted*, That the Trustees or their officers, for the services they may perform, shall be entitled to no compensation out of any money arising from the fund aforesaid.

Trustees to
make an annual
statement.

SECT. 12. *Be it further enacted*, That the said Trustees and their successors, shall exhibit to the town, at their annual meeting in May, a regular and fair statement of their doings.

Trustees to be
responsible for
their faithful-
ness.

SECT. 13. *Be it further enacted*, That the said Trustees and each of them shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit, to be for the uses aforesaid.

[This act passed March 3, 1806.]

An act to alter the time of holding one of the terms of the Court of Common Pleas and General Sessions of the Peace in the county of *Berkshire*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Common Pleas and Court of General Sessions of the Peace, now by law appointed to be holden annually at *Lenox*, within and for the county of *Berkshire*, on the first Monday of January, shall in future be annually holden at the same place, on the last Monday in December; any law to the contrary, notwithstanding.

[This act passed March 3, 1806.]

An act in addition to an act entitled "an act for incorporating certain persons for the purpose of building a bridge over Eastern-river, in *Dresden*, in the county of *Lincoln*, at or near Call's ferry, and for supporting the same."

WHEREAS the proprietors of Eastern-river bridge, at Call's ferry, in *Dresden*, have represented to the General Court, that the compensation they derive from the present rates of toll, is inadequate; and have prayed for an increase of the toll over said bridge:

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the fourth section of an act entitled "an act for incorporating certain persons for the purpose of building a bridge over eastern river, in Dresden, in the county of Lincoln, at or near Call's ferry, and for supporting the same," as establishes the rates of toll to be taken at said bridge, be, and the same is hereby repealed; and that the following rates of toll, be, and hereby are granted to, and established for the sole benefit of said proprietors, that is to say, for each foot passenger, three cents; for each horse and rider, twelve and one half cents; for each two wheel carriage for passengers, if drawn by one horse, twenty-five cents; if drawn by more than one horse, thirty cents; for each four wheel carriage for passengers, if drawn by two horses, thirty-three cents; if drawn by more than two horses, forty cents; for each riding sleigh, drawn by one horse, seventeen cents; if drawn by two horses, twenty cents; if drawn by more than two horses, thirty cents; for each cart, sled, sleigh or other team of burthen, drawn by one beast, sixteen cents; if drawn by two beasts, twenty cents; if drawn by more than two beasts, twenty-five cents; for each waggon, drawn by two beasts, twenty cents; if drawn by more than two beasts, twenty-five cents; for horses without a rider, and for neat cattle, six cents each; and for sheep and swine, twelve and one half cents per dozen; and one driver, and no more, to each team, shall be allowed to go free of toll.

[This act passed March 4, 1806.]

An act for allowing further time to the proprietors of the *Fourteenth Massachusetts Turnpike Corporation* for completing the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years, from the eleventh day of March, in the year of our Lord, one thousand eight hundred and six, be, and hereby is allowed to said proprietors, to complete said turnpike road, any thing in the original act of incorporation, to the contrary notwithstanding.

[This act passed March 4, 1806.]

An act to prevent damage from firing crackers, squibs, serpents and rockets, within this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of May next, if any person shall offer for sale, set fire to, or throw any lighted cracker, squib, rocket or serpent, within this Commonwealth, without the licence of the selectmen of the several towns, respectively, first obtained therefor, he shall forfeit, for every such offence, the sum of *five dollars*; one moiety to the use of the poor of that town in which the offence shall be committed, and the other moiety to the use of the prosecutor; to be recovered by action of debt, or by information, before any Justice of the Peace of the county in which the offence shall be committed; with the costs of suit.

[This act passed March 4, 1806.]

An act to incorporate the northwesterly part of the town of *Northyarmouth*, in the county of *Cumberland*, into a new parish, by the name of the second territorial parish in *Northyarmouth*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the northwesterly part of the town of *Northyarmouth*, in the county of *Cumberland*, be, and is hereby set off from the first parish in said town, by the following boundaries, to wit: Beginning in the line between said *Northyarmouth* and *Fulmouth*,

Falmouth, and between the lots numbered nine and ten in west one-hundred-acre division, in said *Northyarmouth*, and running between said lots to the range line; then in the range line, to the line between the lots numbered twenty-eight and twenty-nine, and in that line, and by the northeast end of said lot, numbered twenty-nine, to the line between the lots numbered forty-nine and fifty; and between said lots numbered forty-nine and fifty, and between the lots numbered sixty-nine and seventy, eighty-four and eighty-five; and in the same course, northeast to the west one-hundred-and-twenty-acre division; then in the range line to the line between the lots numbered six and seven, in said division; and in that line, and in the line between the lots numbered twenty and twenty-one, to the range line; then up the range line, to the line between the lots numbered thirty-nine and forty, and in that line, to the range line, and in the same, to the line between the lot numbered forty-seven and forty-eight, and in that line to Royal's river; then up said river, to the line between the lots numbered thirty-nine and forty on the east side of said river, and in that line to the range line, and in the same, and between the lots numbered thirty-four and thirty-five, nineteen and twenty, seven and eight, to *Freeport* line: And that all the polls and estates in the said town of *Northyarmouth*, northwesterly of said boundaries, excepting what belongs to the northwest congregational society in *Northyarmouth*, and to the baptist religious society in *Northyarmouth* and *Freeport*, be, and hereby are incorporated into a new and separate parish, by the name of the second territorial parish in *Northyarmouth*, with all the privileges, powers and immunities, which other parishes in this Commonwealth are entitled to by law.

SECT. 2. *Be it further enacted*, That any person or persons, belonging to the northwest congregational society in *Northyarmouth*, or, to the baptist religious society in *Northyarmouth* and *Freeport*, living within the bounds of said second territorial parish, may become members of said parish, in the same way and manner that they could become members of said first parish, before the passing this act: And also, that the members of said second territorial parish, may become members of either of said societies, in the same way and manner, that the members of said first parish can become members of either of said societies, agreeable to the provisions of an act entitled

Boundaries.

How to become a member of the new parish.

“an act in addition to an act entitled : act to incorporate certain persons by the name of the Northwest Congregational Society in *Northyarmouth*.”

Restrictions as
to voting.

SECT. 3. *Be it further enacted*, That the members of said first parish, and the membe of said second territorial parish, shall not poll from oneo the other, neither directly nor indirectly ; but shall aways be considered as members of the parish of which the are inhabitants, according to the aforesaid boundaries.

Meeting to be
held, and offi-
cers chosen.

SECT. 4. *Be it further enacted*, Tha Ammi R. Mitchell, Esq. be, and he is hereby authorize to issue his warrant, directed to some principal inhabit of said second territorial parish, requiring him to wai the legal voters thereof in parish affairs, to meet at som convenient time and place, to choose all such parish officers as are by law required.

[This act passed March 5, 806.]

An act in addition to an act entitled ‘an act regulating marriage and divorce’

WHEREAS by an act, entitled “in act for regulat-
ing marriage and divorce,” pased in the year of
our Lord, one thousand seven hundred and eighty-six, no
provision is made for a woman divorced for the cause of
adultery, committed by her husband excepting dower to
be assigned to her in the lands of the husband, which pro-
vision is in many cases inadequate....For remedy where-
of :

*BE it enacted by the Senate and House of Represen-
tatives, in General Court assembled, and by the authority
of the same*, That when any woman shall hereafter be di-
vorced from the bond of matrimony, for the cause of adul-
tery committed by the husband, in addition to her dower,
as in the said act is provided, and to the real estate which
her husband held in her right, the Court, by whom such
divorce may be decreed, shall have power to assign to her,
for her own use, all the personal estate which the husband
hath received by reason of the marriage, or such part there-
of, as shall be just and reasonable under all the circum-
stances of the case, and of the family of the parties, or a
sum of money equal in value to the whole of the said per-
sonal estate ; or to so much thereof, as the Court may
judge proper should be so assigned to her. But if the per-
sonal estate, or money which the Court are by this act au-
thorized

thorized to assign to the woman, so divorced, together with her dower in her husband's real estate, should be insufficient for her reasonable and comfortable support, then the Court may allow her reasonable alimony out of her husband's estate, so long as she shall remain unmarried; in the same manner as alimony may be allowed to a woman divorced from bed and board, for the cause of extreme cruelty in the husband: Regard to be had in making such allowance, to the character, circumstances and property of the husband, and the character and situation of the wife.

[This act passed March 7, 1806.]

An act to establish the *Housetonic-river Turnpike Corporation.*

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Edwards, Erastus Sergeant, Joseph Whiton, Silas Pepon, Enoch Williams Thayer, Joseph Woodbridge, Thomas Williams, Esqrs. Abijah Merrill, John Hutch, John Starnes, Elisha Brown, Silas Whitney, Cyrus Williams, John S. Hopkins, Henry Brown, Heman Willard, John Hunt, Simeon Deming, Josiah Deming, Sylvanus Hatch, John Keep and James Whiton: together with such persons as may hereafter associate with them, and their successors and assigns, shall be a corporation by the name of the Housetonic-river Turnpike Corporation, and may exercise and enjoy all the powers and privileges which are incident to and usually given to similar corporations; and shall have full power and authority to make and keep in repair, a turnpike road: Beginning at the line of the state of *Newyork*, near Arnold's tavern, and near the northwest corner of *Weststockbridge*; from thence, in the most direct and convenient route, to the mills, near the house of John Newell, jun. in *Weststockbridge*; from thence in the best route to the junction of the county roads on *Stockbridge* plains, so called; from thence, in the most direct and convenient course, to Lee Forge, and near the place where the turnpike from *Newmarlborough* terminates; and from thence, in the most direct and best route, to the turnpike leading from *Hartford* to *Lenox*; and to connect with the same, at or near the dwelling-house of David Foot, in the eastern part of the town of *Lee*.

Names of persons incorporated, and general powers.

Course of the road.

SECT.

Turnpike gates
to be erected
when the road is
approved.

SECT. 2. *Be it further enacted*, That when said turnpike road shall be well and sufficiently made, and shall be approved by a committee appointed by the Court of Common Pleas, within and for the county of *Berkshire*, then the said corporation shall be authorized to erect one turnpike gate, at some convenient place between the house of John Newell, jun. and the line of the state of *Newyork*; at which gate, when approved by a committee of the Court of Common Pleas, for the county of *Berkshire*, the said corporation shall have a right to demand and receive one half the rates of toll, as established by the laws of this Commonwealth: And the said corporation, whenever the road shall be approved as aforesaid, shall be authorized to erect one other turnpike gate, at or near the place where the said road shall cross the Housetonick river; at which gate, when approved of by said committee of the Court of Common Pleas, the said corporation shall have a right to demand and receive half the rates of toll as established by the laws of this Commonwealth, and no more.

Corporation en-
titled to the u-
sual privileges.

SECT. 3. *Be it further enacted*, That the said corporation shall be entitled to all and singular the powers, provisions and privileges; and be subject to all the duties, requirements and penalties, contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

[This act passed March 7, 1806.]

An act in addition to an act entitled "an act to incorporate the southwesterly part of *Washington*, the north-easterly part of *Great-Barrington*, (or *Hopland*, so called,) the Glass-works grant, and part of Williams' grant, in the county of *Berkshire*, into a town, by the name of *Lee*."

WHEREAS, in the act incorporating the town of *Lee*, an error was made, by leaving out a tract of land, containing about one thousand acres, which was intended to be taken into, and made a part of said town of *Lee*: Also another error, by taking into the said town of *Lee*, a tract in the northwest corner thereof, which belongs to the town of *Lenox*, (commonly called Whelpley's farm,) and it appears that the last mentioned tract, is covered by the acts of incorporation of both the said towns of *Lee* and *Lenox*:

SECT.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the west line of the town of *Lee*, shall be so extended, as to include a tract of land, formerly belonging to the town of *Washington*; and that the east line of the town of *Lenox*, shall henceforth be considered and taken, as the west line of the town of *Lee*; from where the east line of *Lee* strikes the Ousatonock river, to the north line of the Glass-works grant: And that the tract heretofore considered as belonging to the town of *Lee*, (commonly called Whelpley's farm,) and which is covered by the acts of incorporation of both the said towns of *Lee* and *Lenox*, shall henceforth be considered within the bounds, and made a part of the town of *Lenox*.

New line.

SECT. 2. *Be it further enacted,* That all the legal acts and proceedings of the said town of *Lee*, in their corporate capacity, be; and hereby are confirmed and made valid; any error in the aforementioned act of incorporation, notwithstanding.

Proceedings confirmed.

[This act passed March 7, 1806.]

An act in addition to an act entitled "an act to provide for the debt of this Commonwealth."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the president of the Senate, the speaker of the House of Representatives, and the president of the Union Bank, for the time being, commissioners appointed for the purchase of the debt of this Commonwealth, by "an act to provide for the debt of this Commonwealth," be, and they are hereby directed to cause such purchases to be made, as shall to them seem expedient from the state of the treasury and other circumstances, in manner as prescribed by the act aforesaid: *Provided however,* that said purchases shall not exceed par, nor amount to more than one hundred thousand dollars per annum.

Commissioners.

SECT. 2. *Be it further enacted,* That there be allowed and paid to said commissioners, as a compensation for their services, two thirds of one per centum, on the amount of all notes of this state, which shall hereafter be purchased by them, in their capacity aforesaid.

Compensation.

[This act passed March 7, 1806.]

An act in addition to an act entitled an act in addition to an act entitled "an act for incorporating the members of the Episcopal Church in the town of *Portland*, into a religious society."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Episcopal Society in *Portland*; in the county of *Cumberland*, be, and they hereby are authorized and empowered to raise, by assessment on the pews and seats in the church belonging to them, such sum or sums of money, for the settlement and maintenance of a minister, repairing the church, and defraying the other expences of public worship, with incidental charges, as they shall agree on; and the same may assess or cause to be assessed, upon such pews or seats, in such manner as the society shall determine; and the sums so assessed shall be paid by the proprietors of such seats and pews, or the occupants thereof.

Authorized to raise money.

Pews of delinquents may be sold.

SECT. 2. *Be it further enacted*, That if any proprietor of a pew or seat, or the occupant thereof, shall neglect to pay any assessment which shall be legally made thereon, for one year after the same shall have been made, the treasurer of said society shall be authorized and empowered to sell all the estate and interest of any such delinquent proprietor in the said corporation, at auction, first giving notice thereof, fourteen days previous to the sale, by posting up notifications at two of the doors of said church; and upon such sale, to execute a good and sufficient deed or deeds thereof; and after deducting the amount of said delinquents' tax, together with the legal interest thereon, from the time the same was made, and all incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor or his legal representative.

Wardens and vestry invested with the powers of parish committees.

SECT. 3. *Be it further enacted*, That the wardens and vestry of said church, legally chosen, shall be, and they are hereby vested with all the authority and power given by law to the committees of parishes.

[This act passed March 7, 1806.]

An act to repeal an act for incorporating the first Congregational Society in *Winthrop*.

WHIEREAS the first congregational society in *Winthrop*, in the county of *Kennebec*, have petitioned this Court to repeal their act of incorporation :

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act passed on the thirty-first day of January, in the year of our Lord, one thousand eight hundred, entitled "an act to incorporate a number of the inhabitants of the town of Winthrop, in the county of Kennebec, into a religious society, by the name of the first congregational society in Winthrop," be, and the same is hereby repealed: Provided however, That the said society, in their corporate capacity, shall have power to recover and receive any dues owing to said society, and shall also be held to pay any legal demands upon the said corporation.

[This act passed March 7, 1806.]

An act to increase the fees of grand and petit jurors, and witnesses, in criminal causes.

SECT. 1. **B***E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act the grand jurors attending at the Supreme Judicial Court, and the Court of Common Pleas, and Municipal Court, for the town of Boston, and the jurors for trials, attending either of the Courts aforesaid, shall each be allowed one dollar and twenty-five cents a day for their attendance, and four cents a mile for their travel out and home, to be paid out of the County Treasury; and there shall be paid to the clerks of the said Courts respectively, by the plaintiff or appellant, the sum of seven dollars, for the trial of each civil action, for the use of the county, and the said clerks respectively, shall forthwith pay over the same to the county treasurer.*

Pay of Jurors
and fees for
civil actions.

SECT. 2. *Be it further enacted, That witnesses in criminal causes, in the Supreme Judicial Court and Court of Common Pleas, shall be allowed and paid out of the treasury of the respective counties in this Commonwealth, one dollar for each day's attendance, and four cents for each mile's travel, going out and returning home: . Pro-*

Pay of witness-
es in criminal
causes.

ded, such witnesses do personally attend said Courts respectively, and certify in writing their time and travel.

Part of former
act repealed.

SECT. 3. *Be it further enacted*, That so much of the first section of an act made and passed the thirteenth day of February, in the year of our Lord, one thousand seven hundred and ninety-six, for establishing and regulating the fees of the several officers and other persons therein mentioned, as relates to witnesses in criminal causes, in the Supreme Judicial Court, and Court of Common Pleas; and also the second section of the act aforesaid, shall, from and after passing of this act, be, and the same is hereby repealed.

[This act passed March 7, 1806.]

An act to render valid the doings of Isaac Mansfield, a coroner, within the county of *Essex*.

WHEREAS Isaac Mansfield, a coroner within and for the county of *Essex*, has taken divers inquisitions within said county and has neglected to give bonds as the law requires:

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all inquests by him taken, shall be as good and valid as if said coroner had given bonds to the acceptance of the Court of Common Pleas, as required by law; any law to the contrary notwithstanding.

[This act passed March 7, 1806.]

An act for incorporating Charles Cushing, John Avery, Esquires, and others, into a religious society, by the name of the *West-Boston Society* in the town of *Boston*.

The society
made a body
corporate, and
invested with
the property.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Cushing and John Avery, Esquires, together with such others as now are proprietors of pews in the present meeting-house, at the westerly part of *Boston*, under the pastoral charge of the Reverend Charles Lowell, or who may become proprietors in the new meeting-house, now about to be erected by the said Charles Cushing, John Avery, and others, the proprietors of the present house, on the plat of ground whereon the present building now stands,

be,

be, and they hereby are declared to be a body corporate and politic, by the name of the *West-Boston Society*; and the said corporation shall be, and hereby are invested with all the powers, privileges and rights of corporate bodies; and are declared to be, and hereby are deemed in law and equity to be seized of the present meeting-house, together with all the land under, adjoining and belonging to the same, and with the privileges and appurtenances thereto belonging.

SECT. 2. *Be it further enacted*, That the said corporation shall meet annually on the first Monday in April, at their meeting-house, or at such other place, and at such other times as they may be duly notified in manner hereafter mentioned; and at said annual meeting, after having chosen a moderator, shall choose, by ballot, a clerk, treasurer and ten other persons, who, together, shall be a committee for managing the affairs of the corporation; and who shall all continue in office during the year, and until others are chosen in their room: *Provided however*, if, for any cause, the said annual meeting should not be holden, then the said officers may be chosen at any other meeting duly notified for that purpose.

Annual meeting to be held, and officers chosen.

SECT. 3. *Be it further enacted*, That the said clerk shall be sworn to the faithful discharge of the duties of his office; and it shall be his duty to record all the votes, and all the proceedings of the said corporation, and of the said committee, in separate books, to be kept by him for that purpose; and the said committee, or a major part of them, shall have full power to manage all the prudential affairs of the said corporation, in the same, and in as ample a manner, as parish committees are authorized by law to manage the prudential affairs of parishes, and to notify any proprietors' meeting, by a notification from the desk, on the Sunday preceding said meeting; or by posting up a notification (signed by the clerk) at the door of said meeting-house, seven days, at least, before the holding of the same.

Clerk to be sworn.....Committee empowered.

SECT. 4. *Be it further enacted*, That the said corporation shall be entitled to all the privileges heretofore enjoyed by the said proprietors, and shall be bound by all the contracts heretofore made by said proprietors with their present minister, or with any other persons whomsoever; and be subject to all the duties they have heretofore been subject to; and the said corporation are also empowered, from time to time, to make such contracts, and raise such sums of money, as they shall judge necessary for the maintenance and support of the public worship of

Corporation to fulfil contracts, & empowered to raise monies.

God.

God, for the repairs or alteration of their house, and making any reasonable addition to the salary of their present, or any future minister, and for other parochial and incidental charges ; and all monies, so raised, shall be paid annually, or by instalments, at such times, and in such proportions as said corporation shall direct.

New meeting-house to be invested in the corporation ; & assessments authorized on the pews, &c. therein.

SECT. 5. *Be it further enacted*, That the building or house of public worship, which said society are now preparing to erect, and the land under, adjoining and belonging to the same, shall be, and hereby are declared to be vested in fee in the said corporation, and all monies raised by the proprietors of the present meeting-house, for the support of their minister during the erection of the new meeting-house, or for other purposes, shall also be further binding on the proprietors and on their pews and interests in the new house, when erected, and shall be assessed by the said committee, or by the major part of them, upon the several proprietors of the pews, in the present or the new house, when erected, according to the relative value of said pews ; regard being had to their situation and convenience ; and the pews in the present and in the new house, when erected, shall be held and taken as personal estate, and be held liable to be taken and sold for the payment of all assessments duly made as aforesaid, and for the discharge of all expences incurred by such sale, in such manner, and on such contingencies and conditions, as have been, or may be agreed on by the said proprietors, and which are, or shall be summarily expressed and contained in the deed or conveyance of the pews of the present or the new house when erected : And the assessments which have been, or shall be made as aforesaid, shall be considered as a lien upon the pews in the present, and in the new house when erected ; and a bill of each proprietor's assessment, and of the time or times of payment, shall be left in his pew ; of which fact, the oath of the treasurer, or the oath of the person by him employed for that purpose, shall be sufficient evidence.

Corporation allowed to hold sums to a certain amount.

SECT. 6. *Be it further enacted*, That the said corporation shall be capable and liable to purchase, take and to hold any estate, real, personal and mixed, for the purpose of supporting public worship, and a teacher or teachers of piety, religion and morality, and to sue and be sued in any action, real, mixed or personal : Provided, that the whole estate, real, mixed and personal, of the said corporation, shall

shall not exceed, in its annual income, *five thousand dollars*, exclusive of their house of public worship.

SECT. 7. *Be it further enacted*, That the said corporation shall have power, at any time, to sell or exchange any real estate, when they shall, at any meeting duly called for the purpose, agree thereto ; or may invest any personal gift or bequest in real estate, provided the income of the same be appropriated according to the will of the donor.

Allowed to sell real estate, and to invest bequests in real estate.

SECT. 8. *Be it further enacted*, That if any of the officers chosen by said proprietors shall die or resign, during the year for which they may be chosen, other persons may be elected in their room, for the remainder of the year, at any meeting of the proprietors, to be notified by a major part of the committee ; but in all cases where there may be but one of the committee in office, he shall have sufficient authority to call any meeting of the proprietors.

Vacancies among the officers, by death or resignation, may be supplied during the year.

SECT. 9. *Be it further enacted*, That Mungo Mackay, Thomas Deppic and James Prince, or either of them, may cause the first meeting of said corporation to be called, for the purpose of choosing their officers for the year ensuing, by giving notice thereof to the several proprietors in writing, seven days previous to the time and place of said meeting ; at which meeting they may agree on the mode of notifying future meetings.

Persons authorized to call the first proprietors' meeting.

[This act passed March 7, 1806.]

An act in addition to an act entitled "an act describing the duty and power of Coroners."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every coroner within the county for which he is appointed, shall, after the return of an inquisition of the jury, upon the view of a dead body of any stranger, not belonging to this Commonwealth, bury said body in a decent manner ; and the expences thereof, together with all the expences of said inquisition and coroner's fees, shall be paid to such coroner out of the treasury of this Commonwealth, an account of such expences being first examined and allowed by the General Court, in the same manner that accounts for state paupers are allowed : And the same certificate shall be required from

from the selectmen or overseers of the poor of the town where such stranger was found dead, as if the said stranger were taken sick in such town, or became unable to support himself.

[This act passed March 7, 1806.]

An act to incorporate Aaron Davis and others, by the name of the *Worcester Turnpike Corporation*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Aaron Davis, Luther Richardson, Samuel Welles, Charles Davis, and William H. Sumner, Esquires, together with their associates, their successors and assigns, be, and they are hereby made a corporation, by the name of the *Worcester Turnpike Corporation*, and by that name may sue and be sued, plead and be impleaded, and shall and may do and suffer all things which bodies politic ought to do and suffer; and said corporation shall have full power and authority to make and use a common seal, and the same to alter and renew at pleasure; to make, lay out and keep in repair a turnpike road from *Roxbury* to *Worcester*, commencing at or near *Roxbury-street*, and running near the house of Stephen Higginson, junior, in *Brookline*; thence running near Mitchell's tavern in *Newton*; thence crossing *Charles-river* near General Elliot's mills, in said *Newton*, and running near the house of Enoch Fisk, in *Needham*; thence to the Neck of the Ponds, so called, in *Natick*; thence near the house of Jonathan Ruggs, in *Framingham*; thence near the house of Deacon Chamberlain, in *Southborough*; thence near Furbushe's tavern, in *Westborough*; thence near the house of Jonathan Harrington, in *Shrewsbury*; thence crossing *Shrewsbury Pond*, and running north of *Bladder Pond*, to the street in *Worcester*, near the Court-house; and shall have the power of erecting four toll-gates thereon, which shall be erected in such places, not being on any old road, as the committee hereinafter appointed shall determine; and when and so often as each quarter part of said road shall be completed and accepted by the committee hereinafter appointed for this and other purposes, the said committee may authorize the erection of one toll-gate on such part.

Corporation invested with general powers; and the course of the road prescribed.

SECT. 2. *Be it further enacted*, That the Hon. Bezael Taft, and Nicholas Tillinghast and Silas Holman, Esquires,

Esquires, be a committee, for the purpose of making such alterations and variations from the general course of said road, upon the application of said corporation, as the nature of the ground and the public good may seem to them to require, and of viewing said road and accepting the same, when completed, to their satisfaction ; and shall authorize the erection of toll-gates thereon, according to the provisions of this act ; and the said committee are hereby empowered to assess such damages as any individual may sustain by reason of the laying out said road and making the same, when the said corporation and such individual have not nor cannot agree upon the same, reserving to each party the right of trial by jury, according to the laws which provide for the recovery of damages arising from the laying out of highways ; and when the said committee shall have completed their business in each county through which said road may be located, they shall make a return of their doings in such county to the next Court of Common Pleas to be holden therein, and their report shall have the same effect as if the committee had been appointed by the several Courts of Common Pleas in the counties through which the road passes ; and the expense thereof shall be paid by the said corporation.

Committee to view the road, approve, assess damages, &c.

SECT. 3. *Be it further enacted*, That Aaron Davis and William H. Sumner, aforesaid, be authorized to call the first meeting of the proprietors, at such time and place as they may think expedient.

First meeting.

[This act passed March 7, 1806.]

An act determining at what times and place the Court of General Sessions of the Peace and Court of Common Pleas shall be holden within the county of *Norfolk*, and for repealing all laws heretofore made for that purpose.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next, the times and place for holding the Court of Common Pleas, within and for the county of *Norfolk*, shall be at *Dedham*, on the third Monday of September, the third Monday of December, and the last Monday of April, annually :—And the Court of General Sessions of the Peace, shall be holden at *Dedham*, within and for the county of *Norfolk*, on the third Monday

New terms.

Monday of September, and on the last Monday of April; annually.

Former laws
repealed.

SECT. 2. *Be it further enacted*, That from and after the first day of May next, all laws, heretofore made, determining at what times the Courts of Common Pleas; and General Sessions of the Peace, shall be holden within and for the county aforesaid, be, and the same are hereby repealed.

[This act passed March 7, 1806.]

An act in addition to an act entitled "An act authorizing the Courts of General Sessions of the Peace to liberate poor convicts from prison, and to dispose of them in service for payment of costs of prosecution."

Convicts may
be discharged,
when they have
been detained
three months
for fine and
costs.

SECT. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Justices of the Supreme Judicial Court, be, and hereby are authorized, at any term thereof, on motion made for that purpose, to order the sheriff of any county, in which said Court may then be holden, to liberate from prison any poor convict, who may have been committed to prison by order of said Court, when it shall be made to appear to said Court, that said convict has lain in prison for the term of three months, for fine and costs only, and that he stands committed for no other cause, and that he has not estate sufficient to pay said fine and cost; upon condition, however, that said Supreme Judicial Court shall order such convict to give his own note for the amount of said fine and costs; payable to the treasurer of said county, to the use of said county.

Justices of the
Court of Com-
mon Pleas em-
powered.

SECT. 2. *Be it further enacted*, That from and after the passing this act, the Justices of the several Courts of Common Pleas, within this Commonwealth, be, and they hereby are authorized, at any term of their respective Courts, on motion made for that purpose, to order the sheriff of said county to liberate from prison any poor convict, who has been committed to prison, by the order of any Justice of the Peace, or of the Court of General Sessions of the Peace, or of the said Court of Common Pleas, within said county, when it shall be made to appear to said Court of Common Pleas, that said convict has lain in prison for the term of three months, for fine and costs only, and that

that he stands committed for no other cause, and that he has not estate sufficient to pay said fine and cost; upon condition, however, that said Court of Common Pleas shall order said convict to give his own note for the amount of said fine and cost, payable to the treasurer of said county, to the use of said county, any thing in the act to which this is in addition to the contrary notwithstanding.

SECT. 3. *And be it further enacted,* That the Judge of the Municipal Court in the town of *Boston*, shall have the same power and authority in the county of *Suffolk*, which is by this act given to the Justices of the Courts of Common Pleas.

Judge of the Municipal Court empowered.

[This act passed March 7, 1806.]

An act to incorporate the trustees of the *Charlestown* Charity Fund.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Goodwin, William Collier, Silas Niles, John Carter, James Harrison, Jacob Forster and Oliver Holden, and their successors, be, and they hereby are incorporated by the name and title of the trustees of the *Charlestown* charity fund, and shall so be and remain forever, and by the said name and title may sue and prosecute, and be sued and prosecuted to final judgment and execution.

Names of persons incorporated, &c.

SECT. 2. *Be it further enacted,* That the said corporation shall have a common seal, and may alter the same at pleasure, and shall have power to make bye-laws for the government of its members and the preservation and advancement of its property, not repugnant to the laws of this Commonwealth.

Corporation to have a common seal, & to make bye-laws.

SECT. 3. *Be it further enacted,* That the said trustees shall be, and they hereby are made capable in law, of receiving grants or devises of lands or tenements, in fee simple, or for a less estate, and donations and bequests of money or other personal estate, from any person or persons whatsoever, and to improve the same for the purposes and according to the directions herein after mentioned.

Corporation may receive grants and bequests.

SECT. 4. *Be it further enacted,* That all grants, donations, devises and bequests of real or personal estate, made to the said corporation, shall constitute a fund, the interest and income of which shall be appropriated and

The grants, &c. to constitute a fund, to be devoted to the use of the poor.

faithfully applied to the relief of the poor of the church and society now under the pastoral care of the Rev. William Collier, at such times, and in such manner, as, in the opinion of the said trustees, will best comport with the original design of the institution ; and in the event of an excess of interest and income for the purpose abovementioned, the said trustees may apply the surplus to such other objects as they shall think will best promote the interest of said church and society.

Vacancies as to the board of trustees, to be filled by the church.

SECT. 5. *Be it further enacted*, That all vacancies which may happen in said board of trustees, shall be filled by said church, at any regular meeting thereof, public notice being given of the said meeting on the Lord's day next preceding the same.

Members of the church only, to be trustees.

SECT. 6. *Be it further enacted*, That no person shall be eligible to a seat at said board, who is not a member of said church ; and that every member who is duly elected, may retain his office so long and no longer than he is a member of said church, and in regular standing.

First meeting.

SECT. 7. *Be it further enacted*, That Oliver Holden, be, and he is hereby authorized to call the first meeting of said trustees, to be holden at such time and place as he shall think proper.

[This act passed March 7, 1806.]

An act to incorporate John A. Parker and other proprietors, to build a toll bridge over Acoaxet river, in the town of *Westport*.

Persons authorized to erect the bridge.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John A. Parker and Levi Standish, together with their associates, successors and assigns, be, and they are hereby made a corporation by the name of the *Acoaxet Bridge Company*, for the purpose of building a toll bridge over Acoaxet-river, in the town of *Westport*, in the county of *Bristol*, at a place where there is now a bridge, called *Hix's-bridge* ; and for this purpose shall have all the powers and privileges incident to, and usually given to similar corporations, for building toll-bridges, and shall do and suffer all such acts and things, as bodies politic may and ought to do and suffer.

SECT. 2. *Be it further enacted*, That the said bridge shall be well built, with sound and durable materials, at least twenty-four feet wide, with a sufficient railing on each side for the security of passengers, and a sufficient draw for the passing of vessels, which draw shall be twenty-six feet wide, and shall be constantly attended, and at all times be raised when required for the passage of vessels, both by day and by night, free from toll: And the said proprietors shall provide in said bridge one arch, at least, of sufficient height and width, for scows and gondalo's, and other craft, with their loadings, to pass under said bridge, at high water in common tides: And the said corporation shall be liable to pay all costs and damages which may happen to any person, from whom toll is demandable, for any damage which shall arise from any defect, or want of repair in the said bridge, upon a presentment of the grand jury for the county of *Bristol*.

Manner of building the bridge prescribed.

SECT. 3. *Be it further enacted*, That for reimbursing to the said proprietors, their expences in building the said bridge and keeping the same in good repair, a toll is hereby granted to the proprietors, according to the rates following, viz. for each foot passenger, *two cents*; for one person and horse, *four cents*; for each horse and chaise, chair, gig or sulkey, *twelve and a half cents*; for each cart, waggon, sled or sleigh, drawn by one beast, *eight cents*; and if drawn by more than one beast, *two cents* for every additional beast; for each coach, chariot, curricule, phaeton or other four wheel carriage, for pleasure, drawn by two horses, *twenty cents*; and if drawn by more than two horses, *twenty-five cents*; for all horses and neat cattle, singly or in droves, *two cents* each; and for sheep and swine, *four cents* by the dozen; and at the same rate for a greater or less number: And in all cases, the same toll shall be paid for all carriages passing on said bridge, whether the same have a load or passengers, or not: And at the expiration of twenty years, the Legislature shall, (if they see cause,) regulate the toll anew.

Toll established.

SECT. 4. *Be it further enacted*, That if the said bridge shall not be completed within four years from the passing of this act, then this act shall be void and of none effect: *Provided however*, that the said proprietors shall be authorized to demand and receive toll, according to the rates fixed in the foregoing section, during the said four years, or until a new bridge shall be built and finished: *Provided also*, that the said corporation shall be holden and required

Time of building the bridge limited.

required

quired to keep the present bridge constantly in safe and passable repair ; and in default thereof, shall be liable to presentment of the grand jury of the county, as is provided in the second section of this act.

Account of expences and income to be exhibited.

SECT. 5. *Be it further enacted*, That when the said new bridge shall be completed, the proprietors, their successors or assigns, shall cause a true account of the expences thereof, and also, at the end of every three years afterwards, a true account of their receipts and disbursements, to be deposited in the office of the secretary of this Commonwealth ; and the said proprietors shall constantly keep in a conspicuous place, fairly exposed to view, a sign or board, with the rates of toll, of all the tollable articles, legibly written or printed thereon, in large or capital letters : *Provided however*, that the said toll may be commuted, with any person or persons, or with any corporation, by taking a certain sum annually, as may be mutually agreed on, in lieu of the toll aforesaid.

[This act passed March 7, 1806.]

An act to enable the proprietors of social libraries, to manage the same.

Any 7 or more persons may form a library society ; and a justice may issue a warrant for a meeting.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any seven or more persons, capable of contracting, in any town or district in this Commonwealth, who shall become proprietors in common of any library, may form themselves into a society or body politic, for the express purposes of holding, increasing, preserving and using such library ; and to that end, any five or more of them, may by an application in writing, by them signed, to any Justice of the Peace, within the same county wherein the said town or district may be, stating the purposes of their meeting, and requesting him to issue his warrant for calling a meeting of the said proprietors ; and the said Justice may grant his warrant to one of them, directing him to call a meeting of the said proprietors, at the time and place, and for the purposes expressed in such warrant ; and said meeting shall be called by posting up the purport of said warrant in some public place in the said town or district, where the said library shall be kept, seven days, at least, before the time of said meeting : And the proprietors being thus met

met and organized, they may then agree and determine upon a method of calling future meetings : And in all cases, votes shall be determined by counting and allowing one vote to each share : And the proprietors of any such library, shall have power to possess and hold, to them, their successors and assigns, real or personal estate, to any amount, not exceeding *five thousand dollars*, over and above the value of their books.

SECT. 2. *Be it further enacted*, That any seven or more of the proprietors of such library, met in pursuance of such notice, shall have power to choose a moderator, clerk, librarian, collector, treasurer, and such other officers as they may find necessary : And the clerk shall be sworn to the faithful performance of his duties ; and the treasurer shall give bond, with sufficient surety or sureties, faithfully to account for all monies he may receive by virtue of this act : And the said proprietors, when so incorporated and organized, shall have power to raise monies by assessments on the several shares in such library, as they may judge necessary for preserving and increasing the same ; to make bye-laws for the due regulation of the concerns of the said corporation, not repugnant to the constitution and laws of this Commonwealth, and to annex and recover penalties for any breach of such bye-laws, not exceeding *three dollars* for any one breach thereof.

Officers to be chosen.....The clerk to be sworn, & the treasurer to give bond.

SECT. 3. *Be it further enacted*, That the proprietors of any such library, so incorporated, shall be called and known by the name of the proprietors of the Social Library in the town of _____, and by that name shall sue and be sued, prosecute and defend, plead and be impleaded, in all actions and processes in law ; and when there shall be more than one such library in any town or district, the proprietors thereof shall be known and called by the name of the proprietors of the second, third, fourth, &c. (as the case may be,) Social Library, in the town of _____

Corporate name.

SECT. 4. *Be it further enacted*, That an act passed the third day of March, in the year of our Lord, one thousand seven hundred and ninety-eight, entitled " an act to enable the proprietors of social libraries to manage the same," be, and hereby is repealed : *Provided nevertheless*, that with regard to all suits and causes of suits, and all rights existing under, and by force of said act, it shall be considered as in full force.

Former law repealed.

[This act passed March 8, 1806.]

An act to incorporate Rufus Davenport and others, by the name of the *Cambridge-port Aqueduct Corporation*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court as-

Names of persons incorporated; corporate name; allowed to hold land, &c.

sembled, and by the authority of the same, That Rufus Davenport, Royal Makepeace, Jonathan C. Hastings, Daniel Mason, John Coates and Josiah Mason, junior, their associates, successors and assigns, be, and they are hereby incorporated by the name of the *Cambridge-port Aqueduct Corporation*, and by that name may sue and be sued, and do and suffer all matters and things which bodies politic may or ought to do or suffer, and may purchase and hold one or more pieces of land, on the hills between *Cambridge* and *Medford*, in which certain springs are, and thence bring water in subterraneous pipes, to any and all places in *Cambridge-port*, (so called,) and may purchase and hold in said *Cambridge-port*, one or more pieces of land, and may construct and erect on said land, reservoirs and buildings, provided that said pieces of land shall not, in all, be more in extent than one piece of three hundred feet square, and provided also, that the whole funds of the corporation shall never exceed *fifty thousand dollars*; and provided that nothing in this act shall authorize said corporation to enter upon or use the land of any person without license therefor first had of the proprietors of such land; and the shares shall be considered as personal property.

Proprietors' meeting to be called; officers elected; and bye-laws established.

SECT. 2. *Be it further enacted*, That any three of the persons above-named, may, by advertisement in one or more of the *Boston* newspapers, call a meeting of said proprietors, to be holden at any suitable time and place within said *Cambridge-port*, seven days, at least, after such advertisement; and the proprietors, by a major vote of those present, accounting one vote to each share, shall choose a clerk, agree upon a mode of calling future meetings of said proprietors, and may also elect any other officers which to them shall appear necessary, for carrying into effect the object of their incorporation, may enjoin and order fines and penalties for the breach of any of their rules and bye-laws, not exceeding *ten dollars* for any one breach thereof: And all persons appearing at any of said meetings to represent any of said proprietors, shall have an appointment in writing, signed by the person so to be represented, which shall be filed with, or recorded by the clerk

of the corporation, whose duty it shall be fairly and truly to enter and record, in a book to be kept for that purpose, this act, and all rules and bye-laws, votes and proceedings of said corporation; and the clerk, chosen as aforesaid, shall be sworn to the faithful discharge of the duties of his office.

SECT. 3. *Be it further enacted,* That the said proprietors and they are hereby authorized to enter upon and dig up any highway for the purpose of placing such pipes as may be necessary to complete said aqueduct, or for repairing the same: *Provided,* they do not thereby in the least impede the passing of travellers.

Any highway may be dug up.

SECT. 4. *Be it further enacted,* That any person who shall wilfully injure said aqueduct, shall be subject to the same penalties as are provided in the second section of an act entitled "an act for the more effectually preventing trespassers in divers cases," passed in the year of our Lord, one thousand seven hundred and eighty-five, and shall be liable to make good all damages done to said proprietors.

Persons to be punished who wilfully injure the aqueduct.

SECT. 5. *Be it further enacted,* That the mode of selling or transferring the shares of said corporation, shall be by deed, acknowledged before a justice of the peace, and recorded by the clerk of said corporation, in a book kept for that purpose.

Mode of transferring shares.

SECT. 6. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said corporation, to their treasurer, within thirty days after the set time for the payment thereof, the treasurer is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and necessary and incidental charges, after duly notifying in one or more newspapers printed in *Boston* or *Cambridge-port*, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale, and such sale shall be a transfer of the share or shares sold, to the person purchasing, and on producing a certificate of such sale from the treasurer to the clerk of such corporation, the name of such purchaser, with the number of shares so sold, shall be by the clerk entered on the books of the said corporation; and such person shall be considered, to all intents and purposes, the proprietor thereof; and the overplus, if any there be, shall be paid on demand by the treasurer, to the person whose shares were thus sold.

Shares of delinquents may be sold.

An act to establish a fund for the support of the gospel ministry in the first parish of the town of *Springfield*, in the county of *Hampshire*, and to appoint trustees for the management thereof.

Preamble.

WHEREAS the inhabitants of the first parish, in the town of *Springfield*, have petitioned that certain real and personal estate, appropriated for the support of the ministry, may be vested in trustees, and applied to that purpose :

Names of persons incorporated; corporate name; and general powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Thomas Dwight, John Hooker, Jacob Bliss, George Blake, Judah Chapin, George Bliss and Jonathan Dwight, jun. so long as they shall remain inhabitants of said parish, be, and they hereby are constituted a body politic and corporate, by the name of the trustees of the ministerial fund in the first parish in *Springfield*, and they and their successors, shall be and continue a body politic and corporate, by that name, forever, and shall have a common seal, and may alter the same at their pleasure, and by that name may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution: And the said trustees and their successors may and shall, annually, elect a president and a clerk, who shall be sworn to the faithful performance of the duties of his office, and a treasurer, who shall give bond, with sufficient surety or sureties, faithfully to account for the monies he may receive by virtue of this act.

Trustees invested with the estate, with power to sell.

SECT. 2. *Be it further enacted, That* the real estate, belonging to the said parish, appropriated for the support of the ministry thereof, and the proceeds of the sale of any lands, so appropriated and already sold, be, and hereby are vested in said trustees and their successors; and the said trustees, be, and hereby are authorized to sell and convey the whole or any part of said real estate, and to make, execute and acknowledge, a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by their president, by direction of said trustees, with their seal thereto affixed, and by them duly acknowledged, shall be good and effectual in law, to pass and convey all the right of said parish, in and to said real estate, to the purchaser thereof, to all intents and purposes whatsoever: *Provided however,* that nothing herein contained shall extend

extend to the northerly half of the ~~land~~ ^{land} ~~of~~ ^{of} ~~the~~ ^{the} ~~same~~ ^{same} ~~and~~ ^{and} ~~others,~~ ^{others,} opposite the same, until the said first parish meeting, when the said trustees to sell and convey the same.

SECT. 3. *Be it further enacted,* That the number of trustees shall not at any time be more than seven, nor less than five : a major part of whom shall constitute a quorum for transacting business ; and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation, removal or otherwise, from the inhabitants of said parish ; and shall have power to remove any of their number, who may, from age, infirmity or misconduct, become unfit to discharge his duty : And the said trustees shall annually hold a meeting in March or April; and as much oftener as necessary, to transact their business : And Thomas Dwight, Esq. is hereby authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly : And said meetings, after the first, shall be called in such a way and manner as the said trustees shall direct.

Number of trustees limited & the board authorized to remove trustees and supply vacancies.

SECT. 4. *Be it further enacted,* That any gift, grant, bequest or devise, hereafter made to the said trustees, shall be valid and effectual to all intents and purposes whatsoever ; and they and their successors as aforesaid, are hereby empowered to take, have, hold, use and improve, any estate, real or personal, the annual income whereof shall not exceed the sum of *two thousand dollars*, in trust for the support and maintenance of the gospel ministry in said parish : And the nett annual income, or interest of said fund and estate, shall by said trustees be annually paid to the regular settled and ordained minister of said parish, unless the said parish, at a legal meeting for that purpose duly assembled, shall direct the said income to be put at interest, as an accumulating fund : And during any vacancy in the said parish, of a regularly ordained and settled minister, such income shall also be appropriated to the increase of the principal fund.

Trustees empowered to receive bequests, and to hold estate, the income to be appropriated to the support of the minister.

SECT. 5. *Be it further enacted,* That the said fund shall always be holden and claimed to be unalienable, and shall never be used or applied to any other purpose than the support of a settled minister in the said parish : And the said trustees, their officers, agents or attornies, shall never receive any compensation, for any services performed by virtue of this act, from any part of said fund.

The fund to remain unalienable.

Trustees responsible.

An act to establish *further enacted*, That it shall be the duty of the said trustees, to use and improve such fund or estate, as shall be vested in them by virtue of this act, so as best to promote the design thereof: And each of the said trustees shall be personally amenable to the inhabitants of the said parish, for his neglect or misconduct, in the management and disposition of said fund or estate; and said inhabitants may have and maintain a special action of the case, against the proper persons of such trustees, and his goods and estate, for such negligence or misconduct, and recover adequate damages therefor; and such sum, so recovered, shall be for the benefit of said fund, and shall be paid accordingly.

Trustees to keep a fair record, & make a statement annually.

SECT. 7. *Be it further enacted*, That the said trustees shall keep a fair record of their proceedings, and a statement of their funds and estate, and shall annually exhibit a fair copy of such statement, to the inhabitants of the said parish, at their annual meeting in the month of March or April.

Trustees guilty of misconduct to be removed; & the parish to fill vacancies if the board does not seasonably.

SECT. 8. *Be it further enacted*, That when final judgment shall be rendered against any of said trustees for neglect or misconduct in the management or disposition of said fund, he shall be thereby disqualified from continuing a trustee; and in case said trustees shall not, within three months after such judgment, remove such delinquent trustee, and elect another in his stead, or shall permit any vacancy by which their number shall be reduced to less than five, to remain unfilled for more than three months, it shall be lawful for the said parish to fill such vacancy.

The trustees to keep the money at interest.

SECT. 9. *Be it further enacted*, That the monies arising from the sale of said lands or otherwise, in the hands of the said trustees, shall be by them put and kept at interest, as much as may be, and secured by mortgage of real estate to the full value of the estate sold or let, or by two or more sufficient sureties with the principal.

[This act passed March 8, 1806.]

An act to incorporate Jonathan Hunewell and others, into a society, by the name of the *Massachusetts Charitable Mechanic Association*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Hunewell, and all those who have, or may hereafter associate with him, be, and they are hereby incorporated and made a body politic, by the name of the *Massachusetts Charitable Mechanic Association*, and by that name shall be known in law, and shall be capable of suing and being sued; and shall have power to have and keep a common seal; to make bye-laws for the election of their members and officers; the collection of assessments; the regulation of their meetings, and the appropriation of their funds for charitable uses; but shall not have power to make bye-laws or regulations for any other purposes whatsoever.

The general powers of the corporation, & the purposes for which bye-laws may be made.

SECT. 2. *Be it further enacted*, That the said corporation shall have power, and shall be capable in law, to purchase, have, hold, use, take, possess, retain and enjoy, in fee simple or otherwise, any personal or real estate, within this Commonwealth, not exceeding the value of *forty thousand dollars* in real estate, and *ten thousand dollars* in personal estate; and the same to sell, alien and dispose of, at their pleasure.

Amount of real and personal estate allowed to be held.

SECT. 3. *Be it further enacted*, That the annual income of said corporation shall only be employed for the purpose of relieving the distresses of unfortunate mechanics and their families, to promote inventions and improvements in the mechanic arts, by granting premiums for said inventions and improvements, and to assist young mechanics with loans of money.

Objects to which the income is devoted.

SECT. 4. *Be it further enacted*, That the said corporation shall be and continue for and during the term of ten years, unless the legislature shall, within that time, see fit to dissolve the same.

Corporation to continue ten years.

SECT. 5. *Be it further enacted*, That Jonathan Hunewell, Benjamin Russell and Francis Wright, be, and they hereby are authorized and empowered to call the first meeting of the said corporation, by giving notice of the time and place thereof, in two of the newspapers printed in *Boston*, thirty days, at least, before the time of such meeting.

Persons authorized to call the first meeting.

[This act passed March 8, 1806.]

An act to remove and prevent obstructions to the passage of shad, alewives and other fish, in Parker-river and the Falls-river, so called, in the county of *Essex*, and the streams and brooks running into the said Falls-river.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all

Owners of dams to make and keep open passage-ways for the fish.

the owners or occupants of any mill-dam, or other dam heretofore erected and made, or that shall be hereafter made across the rivers, streams or brooks aforesaid, shall, at their own expense, within six months after the passing of this act, make a sufficient way round or through their respective dams, for the passage of shad, alewives and other fish, up into the ponds connected with said rivers; and shall, at their own expense, keep open such passage-ways, from the fifteenth day of April to the first day of June, in every succeeding year; and no owner or occupant of any such mill-dam, shall, at any time between the said fifteenth day of April and first day of June, in every year, draw off the water at his mill in such manner as not to leave the sluice-ways; which shall be made as aforesaid, full of water; and if any such sluice-way be closed or shut within the times aforesaid, the owner or occupant of the dam where such sluice-way is made, and also every such owner or occupant who shall draw off the water at his mill, contrary to the provisions of this act, shall forfeit and pay a sum not exceeding *five hundred* nor less than *one hundred dollars* for each offence, to be recovered by indictment before the Court of Common Pleas in and for said county of *Essex*; one half thereof to the use of the Commonwealth, and the other half to the use of the poor of the town where the offence shall be committed.

Aaron Hobart, esq. to determine the places for, & dimensions of the passage-ways.

SECT. 2. *And whereas* the petitioners for the removal of said obstructions, and the parties interested in the several dams aforesaid, have mutually agreed that Aaron Hobart, Esquire, of *Abington*, be appointed to repair to said dams, at the expense of the said petitioners, and to determine the dimensions and the most proper place in each dam for the passage-ways aforesaid:

Be it further enacted, That the said Aaron Hobart, Esquire, be, and he is hereby appointed to repair to and examine said dams, at the expense of the said petitioners, and there to order and determine the most proper place at each dam for making such passage-ways; the breadth and depth

depth thereof, and the manner in which they shall be made; and to make a return in writing, on or before the first day of July next, of his doings herein, into the office of the secretary of this Commonwealth, to be there filed and kept with the records of the Commonwealth: And every such passage-way, made and kept conformably to the order and determination of the said Aaron Hobart, to be made as aforesaid, shall be taken and considered as a good and sufficient way for the passage of said fish, according to the provisions of this act.

SECT. 3. *Provided nevertheless, and be it further enacted,* That if the said Aaron Hobart shall not, on or before the said first day of July next, make his order and determination in the premises, and return the same as aforesaid, the Court of Sessions for the county of *Essex*, shall and may at any term thereof, on the application of any party interested, cause the place, and the dimensions of such passage-ways round or through the several dams aforesaid, to be fixed and determined in the manner heretofore provided by law: And in case any new dams shall be hereafter erected and made across any of the rivers, streams or brooks aforesaid, the said Court of Sessions shall and may, in like manner, cause the place and dimensions of the passage-ways round or through said new dams, to be fixed and determined according to law: *And provided also,* that this act shall be in force until the first day of May, which will be in the year of our Lord, one thousand eight hundred and sixteen, and until the end of the then next session of the General Court, and no longer.

Court of Sessions to direct the passage-ways, in case Aaron Hobart neglects.

[This act passed March 8, 1806.]

An act in addition to an act entitled "an act regulating in certain particulars the improvements of *Plumb-Island*, in the county of *Essex*, and repealing an act for the effectual preventing of horses, neat cattle, sheep and swine, from running at large or feeding upon a certain island called *Plumb-Island*, lying in *Ipswich-bay*, in the county of *Essex*," passed in the year of our Lord, one thousand seven hundred and thirty-nine.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the third section of the act to which this is in addition, entitled

Third section of former law repealed.

“ an act regulating in certain particulars the improvements of *Plumb-Island*, in the county of *Essex*, and repealing an act for the effectual preventing of horses, neat cattle, sheep and swine, from running at large or feeding upon a certain island lying in *Ipswich-bay*, in the county of *Essex*,” passed in the year of our Lord, one thousand seven hundred and thirty-nine, be, and hereby is repealed.

SECT. 2. *Be it further enacted*, That the appropriation of the fines, provided for in the first section of the act to which this is in addition, be, and hereby is repealed ; and that the said fines be, and hereby are appropriated to and for the use of the person or persons prosecuting therefor.

[This act passed March 7, 1806.]

An act to incorporate the proprietors of the meeting-house in *Williamstown*.

SECT. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the persons who now are, and who hereafter shall be proprietors of the meeting-house in *Williamstown*, in the county of *Berkshire*, be, and they hereby are incorporated and made a body politic by the name of the *Meeting-house corporation in Williamstown*, and by that name may sue and be sued, and shall be invested with all the powers, privileges & immunities to which similar corporations in this Commonwealth are entitled by law, and the said corporation shall be, and hereby are deemed in law to be seized of the same meeting-house, with the privileges and appurtenances thereto belonging.

SECT. 2. *Be it further enacted*, That the proprietors of said house, be, and they hereby are authorized and empowered to raise, by an assessment on the pews and seats in said house, such sum or sums of money for finishing and keeping said house in repair, as they shall agree on at any legal meeting called for that purpose, and the same may assess, or cause to be assessed upon such pews and seats, as the proprietors, at any such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' book ; and the sums so assessed shall be paid by the proprietors of such pews and seats ; and if any proprietor shall neglect to pay such assessment, which shall have been legally made, for the space of one year, the treasurer of said corporation shall

be

New appropriation of the fines.

Corporate name, & general powers.

Proprietors authorized to raise monies by assessments ; & the interest of delinquents to be sold.

be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said corporation, at public auction ; first giving notice thereof, fourteen days, at least, previous to the sale, by posting up notifications at the front door of said house, and at some public licensed house or shop, at the south part of said *Williamstown*, and also by publishing the same in the highest newspaper to said meeting-house, printed in said county of *Berkshire*, fourteen days previous to said sale, and to execute good and sufficient deed or deeds thereof, and after deducting said delinquent's assessment, with legal interest thereon, from the time of the assessment, with incidental charges, the treasurer shall pay the surplus, (if any there be,) to such delinquent proprietor.

SECT. 3. *Be it further enacted*, That any Justice of the Peace in said county of *Berkshire*, be, and he is hereby empowered to issue his warrant to some principal member of the said corporation, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose a moderator, and a clerk, (who shall be duly sworn,) a treasurer and such other officers as the proprietors shall judge necessary ; and the moderator of that and all future meetings shall have power to administer the oath of office to the clerk ; and all the officers thus to be chosen, shall continue till others are chosen in their stead ; and all future meetings shall be warned in the manner the proprietors shall agree on at their first meeting by a major vote, each proprietor having one vote, and no more, in all meetings of said corporation.

Any Justice of the Peace in the county may issue his warrant for the first meeting.

[This act passed March 8, 1806.]

An act to annex Samuel Page and others, in that part of *Danvers*, in the county of *Essex*, lately the south parish, to the north parish in the said town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Page, John Endicott, Moses Endicott, Nathaniel Putnam, Samuel Fowler, jun, Caleb Oaks, William Pinder, Jasher Needham, John Gardner, jun. and Amos Flints, all of the town of *Danvers*, in the county of *Essex*, with their respective polls and estates, being in that part of *Danvers*, lately the south parish, be, and hereby are annexed to the north parish of said

said *Danvers*, there to enjoy all the privileges of the said north parish, and to pay their proportion of all necessary charges that may arise therein, so long as the act continues in force, to empower the proprietors of the south meeting-house in the late south parish in *Danvers*, to raise money by a tax on the pews and seats in said meeting-house.

[This act passed March 8, 1806.]

An act for continuing an act entitled "an act providing for the appointing of a reporter of decisions in the Supreme Judicial Court."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act entitled "an act providing for the appointment of a reporter of decisions in the Supreme Judicial Court," passed on the eighth day of March, in the year of our Lord, one thousand eight hundred and four, and all the provisions therein, are continued, and shall be in force until the eighth day of March, in the year of our Lord, one thousand eight hundred and eleven.

[This act passed March 8, 1806.]

An act to incorporate the proprietors of *The first Universalist Society in Boston.*

SECT. I. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the persons who now are, and who hereafter may become proprietors of the meeting house, and of the land under, and belonging to the same in the town of *Boston*, now occupied by the denomination of christians commonly called Universalists, wherein the Rev. John Murray is now ordained as pastor and teacher, be, and they are hereby incorporated and made a body-politic, and religious society, by the name of *the first Universalist Society in Boston*, and by that name may sue and be sued, and shall be invested with all the powers, privileges, and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only,

Proprietors of
the meeting-
house incorpo-
rated.

only : And the said society shall be capable in law to purchase and hold estate, real or personal, for the use of said society, provided the annual income thereof, shall not exceed, at any time, the value of *three thousand dollars*.

SECT. 2. *Be it further enacted*, That the proprietors of the said house be, and they are hereby authorized and empowered to raise, by assessment, on the pews and seats in said house, such sum or sums of money, for the settlement and maintenance of a minister or ministers, repairing said house, and other expences of public worship, with such incidental charges, as they shall agree on, at any legal meeting, called for that purpose, and the same may assess, or cause to be assessed, upon such pews and seats as the proprietors, at any such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' book, and the sums so assessed shall be paid by the proprietors of such pews and seats ; and if any proprietor shall neglect to pay such assessment, which shall have been legally made, for the space of one year, the treasurer of the said society shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said corporation, at public auction, first giving notice thereof, fourteen days, at least, previous to the sale, by posting up notifications, at two of the doors of said house, and upon such sale, to execute good and sufficient deed or deeds thereof ; and after deducting said delinquent's assessment, with legal interest thereon, from the time of the assessment, with incidental charges, the treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Monies may be raised by assessments, and the pews of delinquents may be sold.

SECT. 3. *Be it further enacted*, That Jonathan Hune- well, Esq. or any other justice of the peace, for the county of Suffolk, be, and he is hereby empowered to issue his warrant, directed to some member of the said society, requiring him to warn the members thereof, to meet at such convenient time and place, as shall be therein set forth, to choose a moderator, clerk, treasurer, and such other officers, as they shall think needful, who shall be duly sworn to the faithful discharge of their respective offices ; and the moderator at that, and at all future meetings, shall have power to administer the oath of office to the clerk.

J. Hune- well, Esq. authorised to issue a warrant for first meeting.

[This act passed March 8, 1806.]

An Act in addition to an Act entitled "An Act empowering the selectmen of such towns, where there may be fire-engines, to appoint enginemen, and repealing the laws heretofore made for that purpose."

Selectmen authorized to increase the number of engine men, not exceeding six.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of the several towns in this Commonwealth, be, and they hereby are respectively authorized and empowered, if they shall judge it expedient, to nominate and appoint, from time to time, from and after the passing of this act, any number, not exceeding six men to each engine, in addition to the number of fifteen men now authorized by the act to which this is an addition, amounting to twenty-one men for each engine.

A further increase allowed, if the consent of the proper military officer is obtained.

SECT. 2. *Be it further enacted,* That the selectmen of the several towns in this Commonwealth, be, and they hereby are respectively authorized and empowered, if they shall judge it expedient, to nominate and appoint, from time to time, from and after the passing of this act, any number, not exceeding four men to each engine, in addition to the said number of twenty-one men; provided however, that such addition be made with the consent of the commanding officers of the respective military companies, from which such additional number may be taken: And provided also, that no military company be thereby reduced under the number prescribed by law: And all enginemen, appointed in pursuance of this act, shall continue in office during the pleasure of the selectmen of the several towns, whereto they may belong, and shall enjoy all the privileges and exemptions to which other engine men are, or may hereafter be by law entitled.

Duties of the enginemen.

SECT. 3. *Be it further enacted,* That the said selectmen may, in their discretion, select from the enginemen aforesaid, any number for each engine in their respective towns, whose duty it shall be, under the direction of the firewards, to attend fires therein, with axes, firehooks, fire-saws and ladders, and who shall do such further duty as the said selectmen shall, from time to time, prescribe, and shall be entitled to all the exemptions and privileges aforesaid.

[This act passed March 8, 1806.]

An act for fixing the times and places of holding the Court of Probate within and for the county of *Middlesex*, and for other purposes.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Probate within and for the county of *Middlesex*, from and after the first day of May next, shall be holden at the several times and places hereinafter mentioned, that is to say, at *Cambridge*, on the second Tuesday in January, May, November and December, and on the last Tuesday in August : At *Concord*, on the second Tuesday in April and June, and on the first Tuesday in October and December : At *Groton*, on the fourth Tuesday in May, and on the third Tuesday in October : At *Framingham*, on the third Tuesday in June, and on the second Tuesday in October ; At *Woburn*, on the fourth Tuesday in April ; and at *Chelmsford*, on the third Tuesday in September, annually, unless the said times and places shall be altered on special occasions as herein after provided.

Times and places of holding the Court.

SECT. 2. *Be it further enacted*, That when the said times and places shall be found to interfere with the terms or sessions of other Courts, or when the judge of said Court of Probate, for the time being, shall be prevented, by reason of sickness, inevitable casualty, or other cause, from holding the same at the time prefixed therefor, or when it shall appear to him to be for the general benefit or the interest of individuals, he shall be, and is hereby fully authorized and empowered to appoint such other times or places for holding said Court, as he shall deem expedient, by giving public notice thereof, or notifying all concerned, and the said Court shall and may be adjourned, from time to time, and any suit, process or proceedings therein, continued to such time and place as the said Judge may order and direct, any law to the contrary notwithstanding.

Judge of Probate may alter the times and places.

SECT. 3. *Be it further enacted*, That from and after the first day of May next, an act entitled " an act for fixing the times and places of holding the Courts of Probate, within and for the county of *Middlesex*," passed the fifteenth day of March last, be, and the same is hereby repealed.

Former law repealed.

[This act passed March 7, 1806.]

An act to make valid in law the parish meetings of the inhabitants of the west parish of *Bethel*, in the county of *Oxford*, and for other purposes in said act mentioned.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several

Certain meetings, and the proceedings thereat, rendered valid.

parish meetings heretofore holden by the inhabitants of the west parish of the town of *Bethel*, in the county of *Oxford*, in the months of March or April annually, for the choice of parish officers, and for the purpose of raising monies for the annual payment of the salary of the minister of said parish, and for such other purposes as are authorized by law, be established and held valid in law.

The doings of the assessors, and records of the clerk rendered valid.

SECT. 2. *Be it further enacted*, That the acts and doings of the assessors of said parish, and the records of said parish clerks be established and made valid in law, to all intents and purposes, as though it appeared of record that the said parish assessors and clerks had always been sworn, as by law required.

[This act passed March 8, 1806.]

An act in addition to an act entitled "An act determining the times and places of holding the several Courts of Common Pleas and Courts of General Sessions of the peace, within and for the county of *Cumberland*."

WHIEREAS by the act entitled an act determining the times and places of holding the several Courts of Common Pleas and Courts of General Sessions of the Peace within and for the county of *Cumberland*, no provision is made, for continuing over to the Court of Common Pleas to be holden at *Portland*, on the third Tuesday of November last, such processes, recognizances and other matters, or for returning to said court such writs, attachments, recognizances, or other matters and things, which before the passing of the act aforesaid, had been made returnable to the Court of Common Pleas to be holden at *New Gloucester* on the third Tuesday of October last :

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all such processes, recognizances, writs, attachments, or other matters and things, which
before

before the passing of said act had been continued over, or which had been made returnable to the Court of Common Pleas to be holden at *New Gloucester* on the third Tuesday of October last, be, and hereby are confirmed and made valid to all intents and purposes whatever, in the same manner they would have been, had they been regularly continued and made returnable to the said Court of Common Pleas, holden at *Portland* on the third Tuesday of November last.

[This act passed March 8, 1806.]

An act to incorporate the northerly part of the town of *Thomaston*, into a separate parish, by the name of the north parish in *Thomaston*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands described within the following lines, with the inhabitants thereon, be, and hereby are incorporated into a distinct and separate parish, by the name of the north parish in *Thomaston*, viz. Beginning at a stake and stones on the eastern shore of the Bay, part of St. George's river, from thence running south, sixty-eight degrees east, on the line between the lands of Messieurs Stackpoles on the north and Loveitt on the south, to the salt marsh, called Wesaweskeag; thence by the southerly end of said marsh to the great Creek; thence northerly up said Creek, to the southerly line of James Stackpole Junior's marsh; thence by the southerly and easterly lines of said Stackpole's marsh, and the line between other marsh and the upland, to the southerly line of lot number eight, on Owl's-head neck, so called; thence easterly by said line, and northerly by the easterly line of said lot number eight, and by the line between Gen. Knox's marsh, and the lands of Joseph and Josiah Ingraham, to the northerly line of the land of Joseph Ingraham, Esq.; thence easterly by said line, (the lands of Abraham Simonton and John Goding adjoining on the north thereof) to the shore of Owl's-head Bay, so called: And the said north parish is hereby vested with all the powers and privileges to which other parishes are entitled by the constitution and laws of this Commonwealth.

Boundaries of
new parish.

SECT. 2. *Be it further enacted*, That either of the justices of the peace for the county of *Lincoln*, be and he

Any justice
may warn first
meeting.

is

is hereby authorized to issue his warrant, directed to some member of the said north parish, requiring him to notify and warn the inhabitants of said parish, qualified to vote in parish affairs, to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their parish meetings.

[This act passed March 10, 1806.]

An act to revive and extend an act entitled "an act providing a passage for fish, from *Mystic-river* to *Eell-pond*, so called, in the town of *Malden*."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the town of *Malden*, at their own expence, to construct a passage-way for the fish over the mill-dam of Samuel Tufts, which stands on the stream leading from said pond, and for that purpose to cut away so much of the waste board, between the two easternmost posts of said dam, as to reduce the same four inches below his right to flow, so as to admit of said passage-way, to pass over said dam in that place, and so up said stream, which said passage-way shall be built and kept in repair until the seventh day of March, in the year of our Lord, one thousand eight hundred and eleven, from the tenth day of April to the twentieth day of May, inclusive, in each year, at the expence of said town.

SECT. 2. *Be it further enacted*, That it shall be the duty of the said Samuel Tufts, during said term, to keep his said dam in as good repair as it now is; and if at any time the same shall be out of repair, and he shall not repair the same in a reasonable time, it shall and may be lawful for the town to repair the same, and to recover of said Samuel Tufts, double the amount of the expence thereof, with costs of suit, by an action of the case, in any Court proper to try the same; and also that the said Samuel Tufts shall not improve any mill from the fifteenth day of April to the fifteenth day of May, annually, except his mills for grain: And if the said Samuel Tufts, should at any time waste or draw off the water above said dam, with an intent to defeat the object of this act, he shall forfeit and pay for each offence, a sum not exceeding *fifty dollars*,

nor

The town authorized to make a passage way over a certain dam.

Samuel Tufts directed to keep the dam in repair, &c.

nor less than *twenty dollars*, to be recovered as is provided in this act.

SECT. 3. *Be it further enacted*, That it shall be lawful for the said town of *Malden*, at their annual meeting in March or April annually, during said term, to choose a committee, by ballot, of three, five or seven freeholders of said town; whose duty it shall be, and they, or the major part of them, are hereby authorized and empowered to keep the stream aforesaid free and clear of all obstructions to the passage of said fish, through the whole course of said stream from *Mystic-river* to *Eell-pond*: Provided, that nothing in this act contained, shall be so construed as in any manner to affect any interest in said stream; or the privileges or appurtenances thereto belonging, claimed by said town or by the said Samuel Tufts.

Committee to be appointed to keep the stream free of obstructions.

SECT. 4. *Be it further enacted*, That during the said term it shall not be lawful for any person to take any shad or alewives in the said stream, oftener, or more than two days in each week, viz. from sun-rise on Monday morning, to sun-rise on Tuesday morning, and from sun-rise on Friday morning, to sun-rise on Saturday morning, in each week: And if any person shall offend against this prohibition, he shall forfeit and pay the sum of *ten cents* for each fish which he shall so take, to be recovered with costs of suit, by any one or more of the said committee, who may first sue for the same, by action of debt in any Court proper to try the same, one half of which forfeiture, shall enure to the use of the said town, and the other half to him or them who may sue therefor.

Fish only to be taken on certain days.

SECT. 5. *Be it further enacted*, That if any person or persons shall erect any weare, or obstructions of any kind across the said streams, so as to obstruct the passage of said fish, he or they, so offending, shall forfeit and pay a sum not exceeding *twenty dollars*, nor less than *ten dollars* for each offence; to be recovered by action of debt, in any Court proper to try the same, by any person who may sue for the same, one half of which forfeiture shall enure to the use of the said town, and the other half to him or them who may sue therefor.

Penalty for erecting obstructions across the stream.

SECT. 6. *Be it further enacted*, That this act shall continue and be in force until the seventh day of March, in the year of our Lord, one thousand eight hundred and eleven, and no longer, except as to any prosecution, for any penalties, or actions for recovering any expences which

The continuance of the act limited.

may then be depending, according to the provisions thereof.

[This act passed March 10, 1806.]

An act to repeal divers laws respecting crimes and offences.

Titles of acts
which are re-
pealed.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act entitled "an act against duelling," passed the thirtieth day of June, in the year of our Lord, one thousand seven hundred and eighty-four; also an act entitled "an act against murder and man-slaughter," passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act for the punishment of robbery," passed the ninth day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled, "an act against arson, and other malicious burning," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act for the punishing and preventing of larcences, passed the fifteenth day of March, in the year of our Lord one thousand seven hundred and eighty five, also an act entitled, "an act against sodomy," passed the third day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act to prevent forgery, and for the punishment of those who are guilty of the same," passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five; also an act entitled "an act against counterfeiting or uttering counterfeit coin," passed the fourth day of July, in the year of our Lord one thousand seven hundred and eighty-six; also an act entitled "an act more effectually to prevent the forging of bank bills," passed the sixth day of March, in the year of our Lord one thousand eight hundred and one; shall be, and the same are hereby repealed; provided, that the same acts and every of them shall be and remain in force for the cognizance, trial and punishment of all such crimes and offences as are therein mentioned, which have been committed before the passing of this act, and respecting all proceedings and matters thereupon arising, this repeal notwithstanding.

SECT. 2. *Be it further enacted*, That when any person, indicted of any felony, shall be, by the verdict of the jury of trials upon such indictment, acquitted from part of such indictment and convicted of the residue thereof, any such verdict may be accepted and recorded in the court where such trial shall be ; and thereupon such person, so indicted, may be adjudged to be guilty of the offence, if any, which shall appear to such court to be substantially alledged in and by the residue of such indictment, if the same shall amount to a felony, and shall be sentenced and punished accordingly.

A Court may accept of a verdict, convicting a person on part of an indictment.

[This act passed March 11, 1806.]

An act to establish the *Pond Street Corporation*.

WHEREAS the opening a road or street from *Charles River Bridge* across the Mill Pond in *Boston*, would be a great public accommodation :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Robinson, Perkins Nichols, and their associates and successors, be, and hereby are incorporated and made a body politic, by the name of the *Pond Street Corporation*, and by that name may sue and be sued, and shall be, and hereby are vested with all powers and privileges incident to similar corporations, for the purpose of making a street from the *Boston* side of *Charles River* bridge, across the Mill Pond, in the most convenient rout to connect with *Middle-street*.

Corporate name, and general powers.

SECT. 2. *Be it further enacted*, That the selectmen of said town of *Boston*, shall be a committee to lay out said street, which shall be made at the least sixty feet wide, of solid earth or gravel ; the southwesterly side thereof, shall be faced with stone to the height of the water at low tide, and the northeasterly side with timber ; suitable railing shall be erected on the sides thereof, to the approbation of the selectmen of said town ; the whole of which shall be finished and completed in one year from and after the first day of July next, and shall at all times be kept open, free of toll or expence to all persons, as a common public street.

Selectmen of Boston to lay out the street ; with directions how it shall be made, and within what time.

SECT. 3. *Be it further enacted*, That said corporation may, at any legal meeting, agree upon the number of shares into which said street shall be divided, not exceeding fifty, and shall have power to make assessments on said shares

Number of shares to be agreed upon, & assessments to be made.

from time to time, as occasion may require, and to collect the same in such way and manner as the corporation may determine.

How a meeting may be called, for the choice of officers, &c. &c.

SECT. 4. *Be it further enacted,* That any two of said corporation may call a meeting, by advertising the same in any one of the public newspapers printed in *Boston*, at least seven days before the time of such meeting; and at that or any other meeting, may elect a Clerk, Treasurer, and such other officers as they may think proper, and the same at pleasure change or remove: All transactions of the corporation shall be determined by a major vote of the members present, at any legal meeting.

The interest of the town, &c. in the land thro' which the street may go, is not to be affected.

SECT. 5. *Be it further enacted,* That nothing herein contained shall be construed to alter or affect the right, interest or estate of the town of *Boston*, or any other person or persons interested in the land, through or over which said street shall be laid, excepting so much as the said street shall actually cover.

Corporation to pay for all damages occasioned by taking land.

SECT. 6. *Be it further enacted,* That the said corporation shall be holden to pay all damages which shall arise to any person or corporation, by taking his or their land for said way, (where the same cannot be obtained by voluntary agreement,) to be estimated by a committee of the Court of General Sessions of the Peace for the county of *Suffolk*, saving to either party a right of trial by jury, according to the law which makes provision for the recovery of damages, by laying out public highways.

[This act passed March 11, 1806.]

An act regulating the descent and distribution of intestate estates.

To whom the real estates of intestates are to descend.

SECT. I. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when any person shall die, seized of any lands, tenements or hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple, or for the life of another, not having lawfully devised the same, the same shall descend in equal shares to his children, and to the lawful issue of any deceased child, by right of representation: And when the intestate shall leave no issue, the same shall descend to his father: And when there shall be no issue nor father, the same shall descend in equal shares to the intestate's mother, if any, and to his brothers and sisters, and the children

children of any deceased brother or sister, by right of representation : And if the intestate leave no issue, father, brother or sister, then the same shall descend to his mother, if any ; but if there be no mother, then to his next of kin, in equal degree : The collateral kindred claiming through the nearest ancestor, to be preferred to the collateral kindred claiming through a common ancestor more remote ; and the degrees of kindred, in all cases, to be computed according to the rules of the civil law : And when there shall be no kindred, the same shall escheat to the Commonwealth, for want of heirs : Saving always to the intestate's husband his tenancy by the curtesy ; and to his widow, her dower at the common law, unless she be lawfully barred of the same. Provided however, that when any child shall die under age, not having been married, his share of the inheritance that came from his father or mother, shall descend in equal shares to his father's or mother's other children then living respectively, and to the issue of such other children as are then dead, if any, by right of representation. And provided further, that when the issue or next of kin to the intestate, who may be entitled to his estate by virtue of this act, are all in the same degree of kindred to him, they shall share the same estate equally, otherwise they shall take according to the right of representation.

SECT. 2. *Be it further enacted*, That when any person shall die possessed of any personal estate, or of any right or interest therein, not lawfully disposed of by last will, the same, after allowing to the widow, if any, her wearing apparel, according to the degree and estate of her husband, and such further necessaries as the Judge of Probate shall order, regard being had to the state of the family under her care, shall first be applied to the payment of the intestate's debts, with the charges of his funeral, and of settling his estate ; and the residue, if any, shall be distributed among the same persons in the same proportion to whom the real estate shall by virtue of this act descend. Provided however, that the husband of the intestate shall be entitled, in all cases, to the whole of the said residue, and further, that if the intestate shall leave a widow and issue, the widow shall be entitled to one third part of the said residue ; or if there be no issue, to one half part thereof ; or if there be no kindred to the said intestate, then she shall be entitled to the whole of said residue. And provided further, that when there shall be no husband widow

Descent, &c. of
personal estate.

nor kindred to the intestate, the whole of the said residue shall escheat and enure to the Commonwealth.

Grants expressly in advance of an heir's portion to be so considered in the settlement of an intestate's estate.

SECT. 3. *Be it further enacted,* That all gifts or grants made by the intestate, to any child or grandchild, of any estate real or personal, in advancement of the portion of such child or grandchild, and which shall be expressed in such gift or grant, or otherwise charged by the intestate in writing, or acknowledged in writing, by the child or grandchild, as made for such advancement, such estate, real and personal, shall be taken and estimated in the distribution and partition of the intestate's real and personal estate as part of the same; and the estate, so advanced, shall be taken by such child or grandchild, towards his share of the intestate's estate. And the value at which such estate shall be so taken, shall be the same as above expressed or charged by the intestate, or acknowledged by the child or grand child, if any value be so expressed, charged or acknowledged, otherwise at the value thereof when given.

Alienage to be no impediment to the receipt of a share of personal estate.

SECT. 4. *Be it further enacted,* That in the distribution of the personal estate, pursuant to this act, alienage in the person claiming a distributive share thereof, as issue, widow or otherwise, shall be no impediment to such persons receiving the same, any thing in this act to the contrary notwithstanding. But this provision is not to extend to the descent of any real estate to an alien.

Real estate of intestate to be liable to seizure for his debts, when the personal estate is insufficient.

SECT. 5. *Be it further enacted,* That all the lands, tenements and hereditaments of which the intestate died seized; and also all such estate which he had fraudulently conveyed, or of which he had been colourably or fraudulently disseized, with intent to defraud his creditors, shall be liable for the payment of his debts, and may be recovered and applied thereto, in the manner by law directed, whenever the personal estate shall be insufficient therefor; saving to the widow, her dower therein, except in the estate so fraudulently conveyed, to which she had legally relinquished her right of dower.

When this act is to commence operation.

SECT. 6. *Be it further enacted,* That this act shall be in force from and after the first day of July next; and that from and after that day, all acts and parts of acts heretofore passed, so far as they come within the purview of this act, shall cease and have no further effect, excepting as to the estates of such persons who shall die before this act shall be in force.

[This act passed March 12, 1806.]

An act to regulate the taking and disposing of the fish called Shad and Alewives, within the limits of the town of *Hingham*, and for the effectual securing to the said town the advantages thereof.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the taking and disposing of the said fish, called shad and alewives, in the town of *Hingham*, shall be under the care and management of a committee of the said town, who shall dispose of said fish, in such manner as they shall judge most beneficial to the town, and shall render to the town treasurer, an account of the proceeds thereof, on or before the first day of November, annually; and the said committee shall have a reasonable allowance for their services, and lay their account thereof before the selectmen of the said town for their allowance and approbation. And the said committee shall consist of five freeholders, chosen by ballot, in the month of March or April annually, who shall be sworn or affirmed to the faithful discharge of their duty; and if any person chosen to serve on the said committee, or if chosen shall neglect to take the oath or affirmation, for the space of seven days, after being legally notified of such choice, he shall forfeit and pay to the use of the said town, the sum of *ten dollars*.

A committee to be appointed to have the care and management of the fishery.

SECT. 2. *Be it further enacted*, That the said committee or a majority of them, shall have full power and authority to open a sufficient passageway for said fish from the waters in *Ware-river*, so called, into *Accord pond*, so called, and to remove from out of the river, brooks, or streams, issuing from *Accord pond*, any obstructions that may be made to the free passing of the said fish into the said pond, or repassing from the said pond to the sea; and the said committee, or either of them, going on to the land of any person or persons, for this purpose, shall not be deemed trespassers; and the said committee, or the major part of them, shall determine the particular places, where the said fish shall be taken, and give public notice thereof, by posting up one or more notifications, in some conspicuous place or places, in the said town, on or before the first day of May, annually; and the said fish shall not be taken on any other days, than Monday, Wednesday, and Friday, between the rising and setting of the sun, on the said days, nor by any other instrument than by a scoop or dip net.

Committee to open a passage way to *Accord Pond*, and direct the places where the fish may be taken.

SECT.

Penalty for il-
legally taking
the fish.

SECT. 3. *Be it further enacted*, That no person shall catch or take any of the said fish in any of the waters issuing from Accord pond, or in any other streams, within the said town, without the leave of the said committee, or the major part of them; and whoever shall presume, at any time hereafter, to take, kill, or haul ashore, any of the said fish, with seines or drag nets, in said Ware-river, through which the said fish pass into the said pond, or shall, with any seine or drag net, or in any other way, obstruct the passage of the said fish to or from the same, or shall with a scoop or dip net on any other days than as aforesaid, take any of said fish, or shall obstruct the said committee, or either of them, in the execution of their duty, in all and every such case, the offender shall, for each offence, forfeit and pay a sum, not exceeding *ten dollars*, nor less than *five dollars*; and in case the offence be committed in the night, a sum not exceeding *twenty dollars*, nor less than *ten dollars*.

The Town
Treasurer to
prosecute.

SECT. 4. *Be it further enacted*, That it shall be the duty of the said committee to give notice to the treasurer of the said town of *Hingham*, of all offences committed against this act; which may come to their knowledge; and the said treasurer is hereby vested with full power and authority to sue for and recover, from time to time, all fines and forfeitures incurred by any breach of this act, in any Court proper to try the same; and such fines and forfeitures shall be to the use of the said town, saving where any person shall give information of any breach of this act, the informer, upon conviction of the offender, shall be entitled to one third part of the forfeiture; and no person shall be considered as disqualified from being a witness, on any trial that may be had, pursuant to this act, on account of his being an inhabitant of the said town of *Hingham*, or of his being one of the committee aforesaid.

[This act passed March 12, 1806.]

An act in addition to an act entitled "An act to incorporate certain persons for the purpose of making a street from *Rainsford's Lane*, in the town of *Boston*, to the bridge proposed to be built, from, at, or near the town's landing to *Dorchester Neck*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the *Front-street* corporation be authorized to erect a fence or fences,

fences, along the sides of said street, at such places; as to them shall appear necessary, for the security of persons and carriages passing over the same; and that they have authority to raise, by an assessment, or tax, to be made and levied in the manner appointed in the third section of said act, such sums of money, as shall be sufficient for making the fence aforesaid.

Corporation authorized to erect a fence, & to lay an assessment to defray the expense.

SECT. 2. *Be it further enacted*, That when all, or any part of the flats adjoining, shall be filled up, or covered to a level with the surface of said street, and to the extent of thirty feet on either side thereof; it shall be lawful for the proprietor or proprietors of the contiguous estate to remove the fence upon such side or part, but not otherwise.

Fence may be removed in certain case.

[This act passed March 12, 1806.]

An act to incorporate the plantation heretofore called *Stillwater*, in the county of *Hancock*, into a town by the name of *Orono*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same; That the plantation heretofore called *Stillwater*, in the county of *Hancock*, as described within the following bounds, with the inhabitants thereon, be, and hereby is incorporated into a town by the name of *Orono*, viz. beginning at the north-east corner of *Bangor*, on *Penobscot* river; thence by the north-east line of *Bangor*, to the north corner of said *Bangor*; thence west on the north line of *Bangor*, until it meets the south-east corner of township number one, in the second range; thence north, on the east line of township number one, on *Peoshau* pond, to the north-east corner of said number one; thence north, to the north-west corner of the second quarter of township number four; thence east to *Penobscot* river, at the north-east corner of the second quarter of township number four; thence by a line drawn on the middle of the eastern channel of *Penobscot* river, so as to include the whole of the island called *Marsh's Island*, to the bound first mentioned. And the said town is hereby vested with all the powers and privileges, and shall be subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

Boundaries described.

SECT. 2. *Be it further enacted*, That any Justice of the Peace for the county of *Hancock*, is hereby authorized

zed

Any justice in the county of Hancock may issue a warrant for the first meeting.

zed to issue his warrant, directed to some inhabitant of the said town of *Orono*; requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, to choose such officers as towns are by law required to choose, at their annual town meetings.

[This act passed March 12, 1806.]

An act to incorporate a number of the inhabitants of the town of *Salem*, in the county of *Essex*, into a society by the name of *The Baptist Society in Salem*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same; That Edward Russell, John Page, Daniel Pierce, Stephen Webb, Benjamin Webb, William Luscomb; Michael Webb; Daniel H. Mansfield, Ebenezer Secomb; John Grant, Robert Foster, Benjamin Blanchard, Daniel Carlton; James Very; Joseph Gardner, Joseph Daland, Frederick Putnam; Thhuril Hinman, John Skery; John Chandler; John Rust, Ephraim Skery, Levi Mecumber, Jabez Baldwin, Joseph Vincent, William Morrow, Stilman Lothrop; David Murphy, Thomas Teague, Benjamin Deland, Addison Richardson, Pyam Dodge, Benjamin Tay, George West, Samuel Peters; Bartholomew Brown, Nathaniel Garland, John Dunklee, Josiah Austin, John Wilson, James Ingalls, Issac Very, William Price, William Stickney, Benjamin Sweett, John Warden, jun. Joseph Edwards; John Hathorne, jun. William Hathorne, jun. James Odell, Daniel Bancroft, Samuel Randall, Robert Cluston, Allen Goodrige, William Lefavour, Peter Frye; John Fillebrown, Solomon Chaplain, Richard Tufts, Thomas Whitheridge, Joseph Ropes, Benjamin Crowningshield; John Brown, with such other persons as shall associate and become interested with them in manner hereinafter mentioned, be, and they hereby are incorporated and made a body politic, by the name of *The Baptist Society in Salem*:

SECT. 2. *Be it further enacted*; That the said corporation may purchase and hold the lot of land in *Salem* aforesaid, whereon they have lately built a meeting-house, and such other estate; real and personal, as the corporation shall determine to own; provided that the annual income of the whole estate of the corporation, besides the meeting-house and land under it, shall not exceed *three thousand dollars*.

Names of persons incorporated.

Corporation allowed to hold estate.

dollars. And the said Corporation may sue and be sued, by its corporate name, may make and use a common seal, and break or alter it at pleasure, may make any bye-laws for the government thereof, and for the management of the corporate property, that a major part of the members present, (calculating according to their respective interests,) shall think for the best, provided the same are not contrary to the constitution and laws of this Commonwealth; and is invested with all the powers, privileges and immunities, to which other religious societies in this Commonwealth are entitled by law.

SECT. 3. *Be it further enacted,* That the property of the several members of the said corporation for the time being, shall be calculated according to their respective rights and interests in the pews and seats of the meeting-house lately built as aforesaid, at the valuation thereof, which hath been made; and all persons, who shall become proprietors or interested in said pews and seats, shall be deemed to have associated with, and shall become members of this corporation, according to their respective interests in such pews or seats.

How a member's property is to be calculated.

SECT. 4. *Be it further enacted,* That the said Corporation are hereby authorized to raise, by an assessment on the pews and seats in the said meeting-house, such sum and sums of money, for the settlement and maintenance of a minister or ministers, for the purchase of said lot of land, for building up and repairing the meeting-house, and for defraying the other expences of public worship, with incidental charges, as the members of the same shall agree on, at any legal meeting to be called for that purpose, according to the said valuation; and the sums so assessed shall be paid by the respective proprietors of such pews and seats; and if any proprietor of such pew or seat, shall neglect to pay any assessment which shall be legally made thereon as aforesaid, for one year after the same shall have been made, the treasurer of said corporation for the time being, shall be authorized and empowered to sell and convey all the estate, share and interest of such delinquent proprietor in the said corporation, at public auction, first giving notice thereof fourteen days at least previous to the sale, at two of the doors of said meeting-house; and upon such sale to execute a good and sufficient deed or deeds thereof to the purchaser, and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was made, and all incidental costs

Monies to be raised; and the shares of delinquents directed to be sold.

and charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

First meeting
how to be called,
and what offi-
cers may be
chosen.

SECT. 5. *Be it further enacted*, That Ezekiel Savage, Esq. be, and hereby is authorized and directed to issue his warrant to some principal member of said corporation, requiring them to meet, at such time and place as shall be therein set forth, to choose a moderator and a clerk, (who shall be duly sworn,) a treasurer and a committee, and such other officers as they shall judge necessary; and the moderator of that and all future meetings shall have power to administer the oath of office to the clerk; and the committee appointed at that or any other meeting of said proprietors, legally called for that purpose, shall have power and authority to assess and apportion on the pews and seats in said meeting-house, all such sum and sums of money as the members of said Corporation shall lawfully agree to raise, and shall also be authorized to execute and deliver, in the name and behalf of said corporation, deeds of the pews and seats in said meeting-house.

[This act passed March 12, 1806.]

An act in addition to an act entitled “An act to authorize the raising a fund for the support of public schools in the town of *Warren*, in the county of *Lincoln*.”

SECT. 1. **B**E *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the trustees named in an act entitled “An act to authorize the raising of a fund for the support of public schools in the town of *Warren*, in the county of *Lincoln*,” and their successors in office, be, and they are hereby authorized and empowered to sell and convey a certain lot of land, lying in said *Warren*, the property of the inhabitants of said town, adjoining to the lot mentioned in said act; to loan, manage and dispose of the money arising from the sale thereof, and to do and perform whatever may be necessary in the exercise of the powers with which the said trustees and their successors are invested by said act, in the same manner as if both the said lots had been mentioned in the act aforesaid.

Trustees an-
thorized to sell
a certain lot.

Appropriation
of the proceeds.

SECT. 2. *Be it further enacted*, That the money arising from the sale of the said land shall be appropriated by the said Trustees to the use of schools in the town of *Warren*, and that the Trustees aforesaid and their succes-

sors shall render an account of their doings, and be responsible to the said town of *Warren*, in the same manner as for the management of the fund mentioned in the act aforesaid.

[This act passed March 12, 1806.]

An act to establish a corporation by the name of *The Alford and Egremont Turnpike Corporation*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Baldwin, Isaac Beach, Jared Canfield, John C. Cline, George Darby, Isaac Hatch, Francis Heare, John Hollenbach, Michael Hollenbach, Octavius Joyner, Elisha Lee, Joshua Millard, Joshua Millard, junior, John Osbourn, Andrew Race, Nicholas Race, Josiah Webb, and Cornelius Williams, together with such others as already have, or may hereafter associate with them, their successors, and assigns, be, and they are hereby made a corporation, by the name of *The Alford and Egremont Turnpike Corporation*, for the purpose of laying out, making and keeping in good repair, a turnpike road thro' the towns of *Egremont* and *Alford*; beginning at the line dividing this Commonwealth from the state of *New-York*, at the termination there of the *Hillsdale* and *Chatham* turnpike, in the state of *New-York*, near the dwelling-house of *Nehemiah Clason*; thence southerly, near the dwelling-houses of *Josiah Curtis*, *George Darby*, and *Ebenezer Hatch*, to the dwelling-house of *Joshua Millard*; thence near the dwelling-houses of *Nicholas Race* and *John Hollenbach*; thence near the dwelling-house of *Amasa Austin*; and from thence by the dwelling-house of *Joseph Curtis*, to the *Twelfth Massachusetts Turnpike*, near the dwelling-house of *Francis Heare*; and for the purpose aforesaid, shall have all the powers and privileges; and shall also be subject to all the duties, requirements and penalties, prescribed and contained in an act entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

Names of the persons incorporated; and course of the road.

SECT. 2. *Be it further enacted*, That one fifth part of the toll, which shall be received at the turnpike gate, which may be erected on the said turnpike road, in the town of *Alford*, shall enure to the benefit of the *Twelfth Massachusetts*

Part of the toll to be paid over to the 12th Turnpike.

chusetts

chusetts Turnpike Corporation, and the same shall be paid over to the treasurer thereof, at the expiration of every three months, by the treasurer of the Alford and Egremont Turnpike Corporation. And it shall be the duty of both said corporations, in their annual exhibits, to be made, according to the ninth section of the act, defining the general powers and duties of turnpike corporations, to note and distinguish particularly, the amount of the same. And the said fifth part of the toll, so to be received as aforesaid, by the Twelfth Massachusetts Turnpike Corporation, shall be deemed and taken as part of their income, to all intents and purposes.

[This act passed March 13, 1806.]

An act providing for the punishment of the crime of Rape, and for the prevention thereof.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any man shall ravish, and carnally know any woman, by force, and against her will, or shall unlawfully and carnally know and abuse any woman child, under the age of ten years, every such offender, and any person present, aiding and consenting in such rape, or accessory thereto before the fact, by counselling, procuring or commanding such rape to be committed, who shall be duly convicted in the Supreme Judicial Court, of either of the felonies and offences aforesaid, shall suffer the punishment of death.

Every person committing a rape, and every person present, aiding and consenting to such rape, &c. to be punished with death.

SECT. 2. *Be it further enacted,* That if any person, after any rape, committed as aforesaid, shall knowingly harbour, conceal, maintain or assist any principal offender therein, or any accessory thereto before the fact, and shall be thereof duly convicted in the Supreme Judicial Court, every such accessory after the fact, shall be punished by solitary confinement, for such term, not exceeding three months, and by confinement to hard labour, for such term thereafter commencing, not exceeding ten years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment of accessory's after the fact.

Punishment for an attempt to commit a rape, or for aiding & consenting to such attempt.

SECT. 3. *Be it further enacted,* That if any man, with intent to commit a rape as aforesaid, shall make an assault upon a woman, or female child, every such offender, and any person who shall consent, aid or assist therein, and shall

shall be thereof duly convicted in the Supreme Judicial Court, shall be adjudged guilty of a felonious assault, and shall be punished by solitary imprisonment for such term, not exceeding three months, and by confinement afterwards to hard labour, for such term, not exceeding ten years, or by a fine, not exceeding *five hundred dollars*, and by imprisonment in the common gaol for such term, not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

SECT. 4. *Be it further enacted*, That from and after the passing of this act, all acts and parts of acts heretofore passed, so far as they come within the purview of this act, shall be, and they hereby are repealed; provided, that the same acts and parts of acts shall be, and remain in force for the cognizance, trial, and punishment of all such crimes and offences as therein are mentioned, which have been committed before the passing of this act, and all proceedings thereon arising, this repeal notwithstanding.

Former laws repealed.

[This act passed March 13, 1806.]

An act for preventing public Stage Plays, Interludes, and other Theatrical Entertainments, in certain cases.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall hereafter erect or build any house or other building, for the purpose of having the same used or improved for acting or carrying on any Stage Play, Interlude, or other Theatrical Entertainment, in any county within this Commonwealth, without the licence of the Court of General Sessions of the Peace, for such county, first obtained, upon the approbation of the Selectmen of the town in which the same be intended, he shall forfeit and pay a sum not exceeding *two thousand dollars*, for each and every offence, to be recovered by indictment, before the Supreme Judicial Court, holden within and for the county in which such offence shall be committed, to the use of the Commonwealth.

Penalty for erecting a building for Theatrical Exhibitions, without a licence.

SECT. 2. *Be it further enacted*, That if any person or persons, shall hereafter, in any county within this Commonwealth, for profit, gain or other valuable consideration, let to hire any house or other building, or suffer any house or other building, in his or their possession, to be used or improved for acting, or carrying on

Penalty for letting a building for Theatrical Performances, without a licence.

for profit, gain or valuable consideration, any Stage Play, Interlude, or other Theatrical Entertainment, without the licence of the Court of General Sessions of the Peace for such county, first obtained, upon the approbation of the Selectmen of the town in which the same be intended, he or they shall forfeit a sum not exceeding *five hundred dollars*, for each and every time such house or building shall be so let to hire, or suffered so to be used or improved, to be recovered by indictment before the Supreme Judicial Court for the county in which such offence shall be committed, to the use of the Commonwealth.

Penalty for assisting or acting in any Stage Play, without a licence.

SECT. 3. *Be it further enacted*, That if any person or persons shall hereafter, in any county within this Commonwealth, act or carry on, or assist in acting or carrying on, for profit; gain or valuable consideration, any Stage Play, Interlude or other Theatrical Entertainment, in any house or building, or other place, without the licence of the Court of General Sessions of the Peace, for such county, first obtained, upon the approbation of the Selectmen of the town in which the same be intended, he or they shall forfeit and pay a sum not exceeding *four hundred dollars*, to be recovered by indictment before the Supreme Judicial Court, holden for the county in which such offence shall be committed, to the use of this Commonwealth.

Licences to continue in force for one year, and no longer.

SECT. 4. *Be it further enacted*, That such licences shall continue and be in force, for the term of one year from the time of granting the same, and no longer, and upon the approbation of the Selectmen of the town for the time being, may be annually renewed by the Court of General Sessions of the Peace for such county.

When the act is to commence operation.

SECT. 5. *Be it further enacted*, That this act shall be in force from and after the first day of June next and not before.

[This act passed March 13, 1806.]

An act for regulating the proceedings in suits upon Sheriffs' Bonds, for the use of any person or persons who are or may be entitled to the benefit of the same.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the condition of any bond, which now is, or may hereafter be given to the treasurer of the Commonwealth, by any sheriff, for

for the faithful performance of the duties of his office, and to answer for the malfeazance and misfeazance of all his deputies, shall be broken, to the injury of any person, such person may cause a suit to be instituted upon such bond, at his own cost, but in the name of the treasurer, and the like endorsements shall be made on the writ, and the like proceedings be had thereon to final judgment and execution, as may be made and had by a creditor on administration bonds given to any Judge of Probate; *Provided however*, that no such suit shall be instituted by any person for his own use, until such person shall have recovered judgment against the sheriff, his executors or administrators, in an action brought for the malfeazance or misfeazance of the sheriff or his deputy, or for non-payment of any monies collected by the sheriff or his deputy, in that capacity, or a decree of a Judge of Probate, allowing a claim for any of the causes aforesaid, and such judgment or decree, or so much thereof as shall be unsatisfied, with the interest due thereon, shall be the portion of the penalty for which execution shall be awarded.

How a suit is to be commenced and prosecuted for the breach of a sheriff's bond, with a proviso.

SECT. 2. *Be it further enacted*, That actions for the malfeazance or misfeazance of any sheriff, or of any of his deputies, may be sued against the executors or administrators of such sheriff, in the same manner as if the cause of such action survived against the executor or administrator at the common law, *Provided however*, that this act shall not be construed to make any surety in any bond, given by the sheriff as aforesaid, before the passing of this act, liable to any suit which could not heretofore be legally prosecuted against him.

Actions may be commenced against the Executors or Administrators of a Sheriff.

SECT. 3. *Be it further enacted*, That it shall be the duty of the treasurer aforesaid, to deliver an attested copy of any sheriff's bond to any person applying and paying for the same; and such attested copy shall be received as evidence in any case; *provided nevertheless*, that, if in any suit, the execution of the bond shall be disputed, the Court may order the treasurer to bring the original bond with him into Court.

The Treasurer to give a copy of a bond.

[This act passed March 13, 1806.]

An act to exempt certain Goods and Chattels of Debtors from attachment and execution.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of May next, the wearing apparel, beds,

Enumeration of articles, &c. exempted from attachment, with a proviso.

beds, bedsteads, bedding, and household utensils, of any debtor, necessary for himself, his wife, and children, the tools of any debtor, necessary for his trade or occupation, the bibles and school books which may be in actual use in his or her family, together with one cow and one swine, shall be altogether exempted from attachment and execution; and no civil officer shall attach, levy upon, or take the same, or any part thereof, either upon mesne process or execution.—*Provided nevertheless*, that the beds and bedding exempted as aforesaid, shall not exceed one bed, bedstead, and necessary bedding to two persons, and household furniture the value of *fifty dollars*, upon any just appraisement.

Debtors still to enjoy the benefit of a former act, taking an oath in a new form.

SECT. 2. *Be it further enacted*, That no debtor or debtors, owning any of the goods and chattels aforesaid, shall be thereby precluded from the benefit of an act, passed the nineteenth day of November, in the year of our Lord, one thousand seven hundred and eighty-seven, entitled, “An act for the relief of poor prisoners who are committed by execution for debt,” and instead of the oath or affirmation, thereby prescribed to be taken, whenever the Justices, thereby authorized to administer an oath or affirmation, shall think proper to administer such oath or affirmation, there shall be taken an oath or affirmation in form following, to wit:—I do solemnly swear, before Almighty God, (or affirm, as the case may be,) that I have not any estate, real or personal, in possession, reversion, or remainder, sufficient to support myself in prison, or to pay prison charges; except the goods and chattels exempted from attachment and execution, by an act entitled “An act to exempt certain goods and chattels of debtors from attachment and execution;” and that I have not, since the commencement of this suit against me, or at any other time, directly, or indirectly, sold, leased, or otherwise conveyed, or disposed of to, or entrusted any person or persons whomsoever, with all or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive, or to expect any profit or advantage therefor; or have caused or suffered to be done, any thing else, whatsoever, whereby any of my creditors may be defrauded, so help me God, or (this I do under the pains and penalties of perjury,) as the case may be.

[This act passed March 13, 1806.]

An act providing for the punishment of the crimes of burglary, and other breaking and entering of buildings.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall, in the night time, break and enter, or having, with such felonious intent, entered, shall, in the night time, break a dwelling house, any person then being lawfully therein, and such offender being, at the time of such breaking or entering, armed with a dangerous weapon, or arming himself or herself, in such house, with a dangerous weapon, or committing an actual assault upon any person lawfully being in such house; every such offender, and any person present, aiding, assisting, or consenting in such burglary, or accessory thereto before the fact, by counselling, hiring, or procuring such burglary to be committed, who shall be duly convicted thereof in the Supreme Judicial Court, shall suffer the punishment of death.

Punishment for the commission of burglary, or being accessory thereto before the fact, when the burglar is armed with a dangerous weapon.

SECT. 2. *Be it further enacted,* That if any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall, in the night time, break and enter, or having, with such felonious intent, entered, shall, in the night time, break a dwelling house without being armed with a dangerous weapon, or without arming himself or herself, in such house, with a dangerous weapon, and without committing an assault upon any person lawfully being in such house; every such offender, and every person present, aiding and abetting in such burglary, or accessory thereto before the fact, by counselling, hiring, or procuring such burglary to be committed, who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding two years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, and by confinement afterwards, to hard labour for life.

Punishment when the person who commits a burglary is not armed with a dangerous weapon.

SECT. 3. *Be it further enacted,* That if any person, after any burglary committed as aforesaid, shall knowingly harbour, conceal, maintain, or assist any principal offender, or accessory thereto before the fact; every such accessory after the fact, who shall be thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding three months, and by confinement afterwards to hard labour, for such term,

Punishment of accessories after the fact.

term, not exceeding ten years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for breaking into a house in the day time, or entering in the night without breaking; and for entering any store, ship, &c.

SECT. 4. *Be it further enacted*, That if any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall, in the night time, enter, without breaking, or in the day time break and enter, any dwelling house, or any out house thereto adjoining and occupied therewith, or any office, shop, or warehouse, or any ship or vessel lying within the body of a county; every such offender, and every person present, aiding or abetting in the commission of such offence, or who shall have counselled, hired, or procured the same to be committed, being thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding six months, and by confinement afterwards to hard labour, for such term, not exceeding three years; or by a fine, not exceeding *five hundred dollars*, and imprisonment in the common gaol, not exceeding three years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Former laws repealed.

SECT. 5. *Be it further enacted*, That from and after the passing of this act, all acts and parts of acts heretofore passed, so far as they come within the purview of this act, be, and they hereby are repealed: *Provided*, that the same acts and parts of acts, and every of them, shall be and remain in force, for the cognizance, trial, and punishment of all such crimes and offences as are therein mentioned, which have been committed before the passing of this act, and all proceedings thereon arising, this repeal notwithstanding.

[This act passed March 13, 1806.]

An act to incorporate Benjamin Lincoln and others, into a society by the name of the Society of the Cincinnati, within the State of *Massachusetts*.

Preamble.

WHEREAS upon the dissolution of the American revolutionary army, in the year of our Lord one thousand seven hundred and eighty-three, Benjamin Lincoln and others, officers in the *Massachusetts* line of said army, did associate for the purpose of forming a fund, to be forever thereafter appropriated for the relief of the indigent members of said association, and the widows and orphans of said members; and in order to secure the said fund,

fund, and fulfil the charitable designs of said institution, have petitioned to be incorporated :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Benjamin Lincoln and his associates, together with such others as may be admitted members of said association, be, and they hereby are incorporated into a society, by the name of the *Massachusetts Society of the Cincinnati*, with power to have a common seal ; to make contracts relative to the objects of the said charitable fund ; to sue and be sued ; to establish by-laws and orders for the regulation of said society, and the preservation and application of the funds thereof, provided the same be not repugnant to the constitution and laws of this Commonwealth ; and to take, hold, and possess any estate real or personal, by subscription, gift, grant, purchase, devise, or otherwise ; and the same to improve, lease, exchange, or sell and convey for the sole benefit of said institution : *Provided*, the value of the real estate of said society shall never exceed *twenty thousand dollars*, and the annual income of the whole estate of said society shall not exceed *five thousand dollars*.

Corporate name, and general powers.

SECT. 2. *Be it further enacted,* That the said society shall meet, in *Boston*, on the fourth day of July, annually, (unless the same should fall upon a Sunday, in which case the annual meeting shall always be holden on the day succeeding,) for the purpose of electing, by ballot, from their members, a President, Vice President, Treasurer, Secretary, and such other officers as may be necessary to manage their concerns ; all which officers shall hold their said offices for one year, and until others shall be elected to succeed them : and the officers, for the time being, shall publish a notification of the time and place of each annual meeting, in at least two newspapers, at least fourteen days before holding the same. Upon any urgent occasion, the President or Vice President, or in their absence, the Secretary may appoint a special meeting of said society, to be notified in the same manner as annual meetings.

Annual meetings must be held, and special meetings may be called.

SECT. 3. *Be it further enacted,* That the President, Vice President, and other officers of said society, chosen on the fourth day of July last, shall have the same authority to manage the concerns thereof, as is hereby vested in like officers, to be hereafter annually chosen. *Provided nevertheless*, that this act of incorporation shall be determinable at the pleasure of the Legislature.

Existing officers empowered.

[This act passed March 13, 1806.]

An

An act in addition to an act, entitled, "An act to establish a corporation, by the name of the *Essex Turnpike Corporation*."

Preamble.

WHEREAS in the third section of an act, entitled, "An act to establish a corporation by the name of the *Essex Turnpike Corporation*," passed on the twenty-second day of June, in the year of our Lord, one thousand eight hundred and three, it was enacted that the made way and travelling path of said turnpike, shall be thirty-two feet wide, in every part thereof, which is wider than the public accommodation, and the act defining the general powers and duties of turnpike corporations require: Therefore,

Part of former law repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the third section of an act, entitled, "An act to establish a corporation by the name of the *Essex Turnpike Corporation*," as relates to the width of the made way or travelling path of said Essex turnpike, be, and hereby is repealed.

Width of the road.

SECT. 2. *Be it further enacted,* That the said corporation, shall make the travelled part of said turnpike, not less than twenty-four feet wide, in any part thereof, agreeably to the second section of an act defining the general powers and duties of turnpike corporations.

[This act passed March 13, 1806.]

An act to establish a corporation, by the name of the *Lancaster and Bolton Turnpike Corporation*.

Limits of the road.

SECT. 1. **B***E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Carter, together with such persons as have, or may hereafter associate with him, and their successors and assigns, shall be a corporation, by the name of the *Lancaster and Bolton Turnpike Corporation*, for the purpose of making a turnpike road, from near Jacob Fisher's, in *Lancaster*, to near Jacob Fisher's, in *Bolton*; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an act, entitled, "An act defining the general powers, and duties of turnpike corporations," passed the sixteenth day of

of March, in the year of our Lord, one thousand eight hundred and five.

SECT. 2. *Be it further enacted*, That the said corporation shall be entitled to one gate, with the usual toll. One gate allowed.

SECT. 3. *Be it further enacted*, That at any time hereafter, by the consent of said corporation, and the towns of *Lancaster* and *Bolton*, said turnpike road may be established as a county road, and not otherwise. The turnpike-road may be established as a county road.

[This act passed March 13, 1806.]

An act to establish *Day's Academy*.

WHEREAS Benjamin Day and others, have subscribed *twenty-three hundred dollars*, for the purpose of erecting and supporting an academy at *Wrentham*, in the county of *Norfolk*: Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in said *Wrentham*, an academy, by the name of *Day's Academy*, for the promotion of learning and religion, and that the present pastor, and the present deacons, of the first congregational church in said *Wrentham*, and their successors in office, together with *Beriah Brastow*, *George Hawes*, *Jairus Ware*, *John Whiting*, *Lewis Whiting*, *Abijah Pond*, *Timothy Whiting*, *Daniel Ware*, *Amos Archer*, *David Fisher, jun.* *Joseph Whiting, jun.* *Eliphalet White*, *Luther White*, *Elijah Craig*, *Eliphalet Whiting*, *John Hall, jun.* *William Brown*, *William Messenger*, and such others as may hereafter associate with them, be, and hereby are incorporated into a body politic, by the name of the *Trustees of Day's Academy*, and that they and their successors shall be and continue a body politic and corporate, by the same name forever: *Provided however*, That the number of trustees may be reduced, at the pleasure of the Legislature. Academy established, and trustees incorporated.

SECT. 2. *Be it further enacted*, That all the monies, lands, or other property, already subscribed and given, or which shall hereafter be given, granted, devised, or bequeathed, to the said trustees, for the purposes aforesaid, shall be, and hereby are confirmed to the said trustees and their successors in that trust forever; and the said trustees may have and hold, in fee simple, by gift, grant, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal, provided the annual income thereof shall Trustees allowed to receive, hold or dispose of estate.

not

not exceed the sum of *four thousand dollars*, and may sell and dispose of the same, and apply the rents, issues and profits thereof, in such manner as they may judge most proper, to effect the purposes of the said corporation.

Trustees authorized to elect officers, establish rules, &c. &c.

SECT. 3. *Be it further enacted*, That the said trustees, or a major part of them, shall have power from time to time to elect such officers of the said academy, as they shall judge necessary, to fix the tenure of their respective offices, to fill all vacancies in said corporation, to determine the times and places of the meetings of said corporation, to elect and prescribe the powers and duties of the officers of the said corporation, and also to prescribe the powers and duties of the preceptor, preceptress, teachers, and all other officers of the said academy, and to make and ordain reasonable rules, orders, and bye-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the breach thereof.

Corporation to have a common seal, which is to be affixed to any deeds they may give.

SECT. 4. *Be it further enacted*, That the said corporation may have a common seal, which they may at pleasure break and renew; and that all deeds, signed and sealed, with such seal, delivered and acknowledged, by the Secretary or Clerk of said corporation, by order of the said trustees, shall be good and valid in law; and the said corporation may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the said name of incorporation.

Any Justice in Norfolk may call the first meeting.

SECT. 5. *Be it further enacted*, That either of the Justices of the peace, for the county of *Norfolk*, be, and hereby is authorized to fix the time and place for holding the first meeting of said trustees, and to notify them thereof.

[This act passed March 13, 1806.]

An act in amendment of the act establishing the *Norfolk* and *Bristol* Turnpike Corporation, and of the two acts in addition thereto.

Two toll-gates allowed between Dedham court house and B. Mann's in Walpole; and two between Israel Hatch's in Atleborough and the end of the road.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the *Norfolk* and *Bristol* Turnpike Corporation, be, and they are hereby further authorized and empowered, in lieu of the one gate, now established between the court house, in *Dedham*, and the house of Benjamin Mann, in *Walpole*, to erect two toll gates; and also in lieu of the one gate, now established

established between the house of Israel Hatch, in *Attleborough*, and the end of said turnpike, at *Pawtucket* bridge, to erect two other toll gates, in such places, not upon the old road, as may be most fit and proper to ensure the collection of the legal tolls; and when the same are erected, and so long as the said corporation shall deem it eligible to continue the same, the said *Norfolk* and *Bristol* turnpike corporation shall be entitled to demand and receive at each of said gates, in lieu of the toll allowed by the act establishing the said corporation, the same rate of toll as is allowed by the act in further addition to the act establishing the *Norfolk* and *Bristol* turnpike corporation, passed the ninth day of March, in the year of our Lord one thousand eight hundred and four: *Provided*, that not more than one half gate shall be placed between *Dedham* court house and Moses Guild's house, and that not more than one half gate shall be placed between the said Moses Guild's house, and Benjamin Mann's house, and that the last mentioned half gate shall not be placed within thirty rods of Moses Guild's house; and provided also, that if the said corporation shall hereafter think proper to unite the two last mentioned half gates, and have one whole gate, such whole gate shall not be located in any place in which the same could not have been located, if this act had not passed. *Provided also*, that if the said corporation shall divide the gate now erected between the house of Israel Hatch, and *Pawtucket* bridge, they shall not place the two half gates within three miles of each other.

And to the end that the said corporation may not be defrauded of their legal dues:

SECT. 2. *Be it further enacted*, That any person who shall travel on any part of the said turnpike road, not made on an old road, and separated therefrom by a fence, and shall turn off from said turnpike road, with an intent to avoid passing the next gate, shall be liable to pay, and the said corporation shall be entitled to demand and receive the same rate of toll for his carriage, team, sleigh, horses or cattle, as he would be liable to pay if he actually passed such gate.

Persons liable to pay who turn off the road to avoid a gate.

SECT. 3. *Be it further enacted*, That any person who shall within seven rods of either of said gates, enter or pass on said turnpike, not made on an old road, and actually travel on any such part of said turnpike road without paying toll at such gate, shall be liable to pay, and the said corporation shall be authorized to demand and receive the

Persons who enter on the road within 7 rods of a gate, and pass on, shall be liable to pay.

same.

same rate of toll for his carriage, team, sleigh, horses or cattle, as he would be liable to pay if he actually passed through such gate. *Provided nevertheless*, That nothing in this act shall be construed to render any person liable to pay toll for travelling on said turnpike, between the place where the lane leading from the house of Oliver Ellis, in *Dedham*, communicates with the said turnpike, and the place where the said turnpike next strikes the old road. *Provided also*, that nothing herein contained shall oblige any person to pay toll, who shall enter on, or pass off said turnpike, within seven rods of the gate near the house of Elijah Bayden. *Provided also*, That no person specially exempted from paying toll by either of the acts to which this is in addition, shall be subjected thereto, by virtue of this act.

The gate between Dunster's and the Mill-creek, in Dedham, allowed to be removed.

SECT. 4. *Be it further enacted*, That the said corporation, be, and they are hereby authorized and empowered to remove the gate erected between the house of Isaiah Dunster and the mill creek, in *Dedham*, to any place between the said Dunster's, and the place where the turnpike crosses the old road, west of said mill-creek; and in case said gate shall be placed within seven rods of the place of intersection, any person who shall enter on to said turnpike, west of said gate, or turn off therefrom, shall be liable to pay, and the said corporation shall be authorized to demand and receive of him, one half as much toll, as he would be liable to pay if he passed through such gate; and any person who shall enter on said turnpike, at the lane leading from the old road to the mills, in *Dedham*, and shall travel on said turnpike, shall be liable to pay the same toll, as he would have paid, if he had actually passed through such gate.

Width of the road in certain places may be less than heretofore prescribed.

SECT. 5. *Be it further enacted*, That the committee appointed by the General Court to locate the *Norfolk* and *Bristol* turnpike, be, and they are hereby further authorized to lay out the same of a less width than three rods, near the barn of Israel Hatch, in *Attleborough*, near the house of Benjamin Daggett, in said *Attleborough*, and near the abutment of *Pawtucket* bridge, in *Rehoboth*: *Provided*, That in the opinion of the said committee, such reduction will not impede the public travel.

This act liable to be repealed at the pleasure of the legislature.

SECT. 6. *Be it further enacted*, That the Legislature may repeal this act, whenever it shall be judged proper and expedient, any thing herein to the contrary notwithstanding.

[This act passed March 14, 1806.]

An act to incorporate Edward H. Robbins and others, by the name and style of the *Proprietors of the Schoodick Sluice Ways*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edward H. Robbins, Abiel Wood, junior, Shubael Downes, and William Pike, and such persons as shall be associated with them, and their successors, shall be a corporation, by the name of the *Proprietors of the Schoodick Sluice Ways*, for the purpose of building, maintaining, and holding a sluice way, from the *Washington* mills, so called, in township number five, in the county of *Washington*, down said river, or on the land contiguous thereto, to some suitable landing place on the tide waters of said river; and they are hereby vested with all the powers and privileges, which are by law incident to corporations of a similar nature.

Names of persons incorporated; corporate name, &c.

SECT. 2. *Be it further enacted*, That the said sluice ways shall be held in thirty-two shares, and shall be considered as appurtenant to said *Washington* mills, so far that all lumber sawed therein shall have the preference in being sluiced; and each share shall give the person holding the same, one vote in the proceedings of said corporation, either in person, or by representation in writing, for the purpose specially made, which shall be filed with and recorded by the clerk: *Provided*, that no one proprietor shall have a right to more than eight votes, on any occasion; and the proprietors in said mills, and their heirs, shall have the first right to subscribe for shares in said sluice ways, to the amount of each one's proportion as proprietors in said mills; and if the whole of said shares shall not be taken and subscribed for by the proprietors of said mills, or their heirs, within ninety days from the passing of this act, in the ratio aforesaid, then the remaining shares may be subscribed for and taken by the other proprietors of said mills, in the ratio in which they are interested therein: *Provided*, that any of said proprietors may take more or less than their individual proportions of said remaining shares, by the consent of the other subscribing proprietors, made in writing.

The number of shares, and the manner in which they are to be subscribed.

SECT. 3. *Be it further enacted*, That for the purpose of reimbursing said proprietors their expenses in building and maintaining said sluice ways, a toll be, and hereby is granted for the sole benefit of said incorporation, according to the rates following: for every thousand feet of boards, plank, or joist, computed at board measure, *fifty cents*; for

Toll established.

every thousand of clapboards, *forty cents*; for every thousand of shingles, *nine cents*; for every ton of timber, *twenty cents*; for every hundred feet of ranging timber, *sixteen cents*; for all spars, *fifty cents* for each hundred inches.

How the first meeting may be called, and the business to be transacted thereat.

SECT. 4. *Be it further enacted*, That the said proprietors, or any two of them, may make their application to any Justice of the Peace, for the county of *Washington*, requesting him to call a meeting of said proprietors, to be holden at some convenient place within said township number five; whereupon said Justice is hereby empowered to issue his warrant to one of said proprietors, directing him to warn and notify said proprietors to meet at such time and place in said township number five, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said proprietors in future; and do and transact such matters and things relating to said propriety as may be expressed in the warrant. And the proprietor to whom such warrant shall be directed, shall give notice to said proprietors, by posting up a written notification at some public place, within said township number five, and also by advertising the same in the newspaper printed in the town of *Boston*, by the printers of the General Court, four weeks before the time of holding said meeting; at which meeting, or any subsequent meeting, said proprietors may agree upon the mode of calling future meetings, and appoint a Clerk, Treasurer, and such other officers of the corporation, as they may deem necessary; who shall be duly sworn to the faithful discharge of their respective trusts, and may make and establish any rules and regulations, which shall be found necessary for regulating said corporation; for collecting the toll or fees herein established, and for the more effectually executing the general purposes of this act; and shall have power to assess and recover reasonable fines and penalties, for any breach or breaches of such rules and regulations, not exceeding *fifty dollars*: *Provided*, the same shall not be repugnant to the constitution and laws of this Commonwealth; and this act, and all the rules, regulations, votes, and doings of said corporation, shall be fairly and truly recorded, by the said Clerk, in a book, or books, for that purpose to be provided and kept.

Committee to lay out sluiceway, landing place, and passage way for loaded teams.

SECT. 5. *Be it further enacted*, That Theodore Lincoln, Thomas Vose, and Stephen Brewer, be, and hereby are appointed a committee, to survey, lay out, and describe, by meets and bounds, so much land, with water privilege, as they, or either two of them, upon view of the whole, shall

shall determine to be necessary and sufficient for the use and accommodation of said sluice way, and a landing place at the termination thereof, to deposit lumber after being sluiced; and also to determine on the places, and describe two suitable passage ways, either over or under said sluice ways, sufficient for loaded teams to pass, which said proprietors shall be holden to make and repair as appurtenant to said sluice ways; and the said committee shall certify the whole of their doings to the clerk of said proprietors, who shall forthwith cause the same to be recorded in their book of records, and also in the registry of deeds for said county of *Washington*; and the said proprietors of the sluice ways shall, within sixty days after said certificate is filed with their Clerk, tender to each individual owner of said *Washington* mills, who shall not have subscribed their share or shares in this corporation, their full proportion of the amount of the appraisement aforesaid; and if such individual, or their guardians, in case of their being minors, shall receive the same, the payment thereof shall operate in full satisfaction of their claims on said land and privileges, taken for the use of said sluice way. But if said proprietors shall not tender to any individual their proportion of the damages awarded, or any individual shall refuse to receive the sum awarded, such person or persons may, either severally, or by uniting together, make application to the Court of Common Pleas, for the county of *Washington*, for a jury to estimate the damages; and said jury shall be appointed in the manner prescribed by an act, entitled, "An act directing the method of laying out highways;" and the said Court and jury shall have like powers and duties, as Courts and juries have on like applications for damages in laying out highways: *Provided*, That said application be made to the Court aforesaid, within one year after notice is given to the applicants of the appraisement aforesaid.

SECT. 6. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, or injure any part of said sluice way or its appurtenances, or any materials used or to be used, in or about said works, or shall aid in any trespass against the same, he shall, for every such offence, forfeit and pay to the proprietors aforesaid, treble such damages, as said proprietors shall, to the Justice, or Court and jury before whom the trial shall be, make appear that they have sustained by means of the same trespasses; to be sued for and recover-

Penalty for injuring the sluice-ways.

ed by said proprietors, in any court proper to try the same, by action of trespass.

The shares of delinquents to be sold.

SECT. 7. *Be it further enacted*, That the said corporation shall have full power and authority to sell and dispose of the share or shares of any proprietor, who shall, according to the rules and regulations to be made by said corporation, be delinquent in the payment of any assessment that may be made on said share or shares, conforming to such modes and rules, as shall be established by said corporation, for the sale of shares of delinquents.

A toll gatherer to attend constantly.

SECT. 8. *Be it further enacted*, That there shall be a toll gatherer to attend said sluice, who shall, at all times of the day, during the season for removing lumber by sluicing, give constant attendance at a suitable station; and on the toll being paid, shall immediately permit the owners of lumber to pass the same through the said sluice way: *Provided always*, That after thirty years shall have expired, from the first opening of said sluice, the General Court may regulate the rate of toll from thence forward.

Time of making the sluice-way limited.

SECT. 9. *Be it further enacted*, That if the proprietors aforesaid, shall refuse or neglect, for the space of two years after the passing of this act, to build and complete said sluice way, so as to be passable in manner aforesaid, then this act shall be void and of none effect.

[This act passed March 14, 1806.]

An act in addition to an act, entitled, "An act granting a Lottery for the purpose of completing the *Locks and Canals at Amoskeag Falls, in the State of New-Hampshire.*"

A further sum of 10,000 dollars allowed to be raised.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in addition to the sum of ten thousand dollars, directed to be raised by an act, entitled, "An act granting a lottery for the purpose of completing the locks and canals at *Amoskeag falls, in the State of New Hampshire,*" the further sum of ten thousand dollars be raised by lottery for the same purpose; and that His Excellency the Governor, be, and he is hereby authorized to appoint three suitable persons to be managers of the said lottery, whose business it shall be, from time to time, to make and publish such scheme or schemes, as shall in their opinion best promote the purposes of said lottery,

lottery, and for drawing said lottery, and transacting the other business thereof.

SECT. 2. *Be it further enacted*, That the said managers, to be appointed by the Governor, before they enter on the duties of their office, shall give separate bonds to the Treasurer of this Commonwealth, and his successors in said office, each in the sum of *five thousand dollars*, with sufficient surety, each to be answerable for his own default, and to pay over the nett proceeds of each class of said lottery, within sixty days after the drawing thereof shall be completed, to the agent or agents to be appointed by the third section of this act; and the said managers, before they enter upon the duties of their office, shall severally take an oath, for the faithful performance of their trust.

Managers to give bonds, and to be sworn.

SECT. 3. *Be it further enacted*, That His Excellency the Governor, be, and he is hereby authorized to appoint one or more agents, who shall be authorized to receive from the managers, the proceeds of the lottery, and appropriate the same to the completion of the locks and canals, and the dam, at the said *Amoskeag* falls, for the purpose of turning the water into the said canal; and the said agent or agents, shall, from time to time, when thereunto required by His Excellency the Governor, render an account of his or their proceedings in the premises.

An agent or agents to be appointed to apply the proceeds of the lottery to the purposes intended.

SECT. 4. *Be it further enacted*, That this act shall continue and be in force, for the term of three years, and no longer.

Act limited.

[This act passed March 14, 1806.]

An act to establish a corporation, by the name of the *Wrentham and Walpole Turnpike Corporation*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Gilmore, Moses Whitney, Beriah Brastow, Oliver Pond, Elias Bacon, David Fisher, jun. John Whiting, David Fales, Benjamin Hawes, Nehemiah Tilson, Jairus Ware, and Jason Hartshorn, together with such persons as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of the *Wrentham and Walpole Turnpike Corporation*, for the purpose of making a turnpike road, from the meeting house, in the first parish in *Wrentham*, to the meeting house in *Walpole*,

Names of persons first incorporated, corporate name, and course of the road.

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in the county of *Norfolk*; the said turnpike road to begin at said meeting house in *Wrentham*, and thence to run as nearly in a straight line, to the said meeting house in *Walpole*, in the county of *Norfolk*, as a locating committee shall think will best accommodate the public; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an act, entitled, "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

Monies may be granted to persons who have rendered services previous to the passing of this act.

SECT. 2. *Be it further enacted*, That said corporation is hereby allowed to grant monies to such persons as have rendered services to the proprietors, in exploring the route of the turnpike road, or otherwise, previous to this act of incorporation, or to such persons as have advanced monies, to pay any expenses which may have accrued.

[This act passed March 14, 1806.]

An act to establish the *Second Brush-Hill Turnpike Corporation*.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Davenport, Elijah Crane, and Jeremiah Smith Boies, and all such persons as now are, or may be associated with them, and their successors, shall be a corporation, by the name and style of the *Second Brush-Hill Turnpike Corporation*, for the purpose of laying out and making a turnpike road, commencing at or near the termination of the Brush-Hill turnpike road in *Roxbury*, and running westerly of the dwelling house of Doctor Thomas Williams, in said *Roxbury*, and thence to Front Street, in *Boston*; the whole to be laid out and made, as near as may be found practicable and convenient, in a straight line from the commencement thereof in *Roxbury*, to the said Front Street in *Boston*; and to be located by a committee to be appointed by the Court of Common Pleas of the county of *Norfolk*, for that part which shall be in the said county, and the Selectmen of the town of *Boston*, for that part which shall be in the said town; and the same shall be laid out on the marsh and flats, not less than sixty, nor more than one hundred feet wide, and the travelling path in that part thereof, within
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Course and dimensions of the road, and directions as to the laying out and making the same.

town of *Boston*, shall not be less than forty feet in width ; and on the upland not more than four, nor less than three rods in width ; and the travelled path shall no where be less than thirty feet in width ; and the earth, which may be taken to make the said road over said marsh and flats, shall all be taken on the easterly side of said travelled path ; and the said corporation shall put up and maintain lamps, at the distance of two hundred feet apart, on each side, from said Front Street to the boundary line between *Boston* and *Roxbury*, which shall be well supplied with oil, and lighted in due seasons, and kept burning until midnight.

SECT. 2. *Be it further enacted*, That the said corporation may purchase and hold land over which they may make said road, and shall be holden to pay all damages which may arise to any person by taking his land therefor, when it cannot be obtained by voluntary agreement, to be estimated by a committee, to be appointed by the Court of Common Pleas of the counties of *Suffolk* and *Norfolk*, for that part of said road, which shall lie in said counties respectively, saving to either party the right of trial by jury, according to the law which provides for the recovery of damages accruing by laying out public highways. And the said committees in each county, shall make a return of their doings in such county, to the next Court of Common Pleas, to be holden therein.

Corporation may take land for the road, compensating the owners.

SECT. 3. *Be it further enacted*, That when the said road shall be sufficiently made, and shall be so allowed and approved by a committee appointed by the Courts of Common Pleas of *Suffolk* and *Norfolk*, respectively, the said corporation shall be entitled to demand and receive, from each traveller and passenger, the following rates of toll, to wit: For every coach, chariot, phaeton, or other four wheel carriage, drawn by two horses, *twenty-five cents* ; and if drawn by more than two horses, an additional sum of *two cents*, for each additional horse ; for every cart or waggon, drawn by two oxen or horses, *ten cents* ; and if drawn by more than two oxen or horses, the additional sum of *two cents*, for each additional ox or horse ; for every chaise or other carriage, drawn by one horse, *twelve and one half cents* ; for every man and horse, *four cents* ; for every sled or sleigh, drawn by two oxen or horses, *six cents* ; and if drawn by more than two oxen or horses, an additional sum of *two cents*, for each additional ox or horse ; for every sled, sleigh, horse-cart or waggon, drawn by one horse,

Toll established, and two gates allowed, neither to be in Boston.

six cents each ; for each wheel-barrow, hand-cart, or other vehicle capable of carrying like weight, *two cents* ; for all horses, mules, oxen, or neat cattle, led or driven, beside those in teams, *one cent* each ; for all sheep or swine, at the rate of *four cents* for each dozen. And the said corporation is hereby authorized and directed to erect two gates for collecting said toll, on any part of said road, not within one mile of each other, either of which gates shall not be placed within the limits of the town of *Boston*, and shall demand and receive, not more than one half of the above toll at each gate. And when no toll gatherer shall be present at either of said gates to receive toll, the said gate or gates shall be left open, and passengers be permitted to pass freely : *Provided*, That no gate shall be erected on any part of the old road.

Streets connecting with the road, may be laid out, by the Selectmen of Boston or Roxbury.

SECT. 4. *Be it further enacted*, That the Selectmen of the towns of *Boston* or *Roxbury*, shall have a right to lay out streets in their respective towns, from the main street over *Boston* neck, to the said turnpike road ; and the abutters on the said turnpike road shall have the privilege of passing to and from their lands upon each side of said road, as though the said road was a public highway ; and shall also have power to fill up and raise the land upon the sides of said street, at any time hereafter, for the purpose of a passage from their lands abutting, to the travelled path of said road.

A bridge, with a draw, to be built over Roxbury Canal ; and suitable drains to be made for the streets in Boston, connecting with the road.

SECT. 5. *Be it further enacted*, That the said Corporation shall make a good bridge over *Roxbury* canal, with a sufficient draw, not less than twenty, nor exceeding thirty feet in width, for the passage of vessels, through which vessels and rafts may freely pass ; and the said draw to be raised without delay, except for pleasure boats. And the said corporation shall lay or build sufficient drains or sluice ways, across said turnpike road, to the satisfaction of the Selectmen of the town of *Boston*, in every place where the cross streets leading easterly from Washington Street, on *Boston* neck, shall join or abutt upon said turnpike road. *Provided*, That the places for such drains, shall be pointed out by the said Selectmen, before the work shall be begun, in the place where they are to be laid.

A gate allowed, where half toll may be collected, when part of the road is completed.

SECT. 6. *Be it further enacted*, That when the said corporation shall have completed that part of the road hereby granted, extending from the commencement of the same to the county road, near the dwelling house of the said Williams, to the acceptance of the aforesaid committee,

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tee, for the county of *Norfolk*, they shall have liberty to erect a gate, and to demand and receive half the above rates of toll, on the same, from all passengers, although the other part of the road, hereby granted, shall not have been completed.

SECT. 7. *Be it further enacted*, That when the Selectmen of the town of *Boston*, shall hereafter cut a canal from the Bay, on the westerly side of *Boston*, to the Bay on the easterly side of the same, they shall have liberty to cut through said turnpike road, they making a bridge over the same, with suitable abutments, which shall forever be kept in repair at the expense of said town of *Boston*.

Town of Boston permitted to cut a canal, erecting a bridge over the same.

SECT. 8. *Be it further enacted*, That the said corporation shall be entitled to all and singular the powers and provisions, and shall be subject to all the limitations and restrictions, which are particularly delineated for the government and organization of turnpike corporations, in an act, entitled, "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five, except where the same are controlled by the provisions of this act.

Corporation entitled to the powers, and subject to the restrictions, &c. of the general turnpike act.

[This act passed March 14, 1806.]

An act directing the mode and time of making returns of the state of the several incorporated Banks, in this Commonwealth, to His Excellency the Governor and the honorable Council.

SECT. I. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the directors of the several banks, incorporated within this Commonwealth, shall, on the first Monday of January and June, in every year, make a return of the state of their several banks, as it existed on the day immediately preceding the Monday aforesaid, into the Secretary's office; which return shall specify the amount of the capital stock actually paid in, the value of the real estate belonging to the corporation, amount of debts on interest, other debts not on interest, cash deposited, bills in circulation, gold, silver, and other coined metals on hand, bills of other banks within the State, bills of other banks without the State, bills of one, two, and three dollars, in

Semi-annual returns to be made, and what is to be specified in them.

circulation, and the amount of said bills on hand; which said returns shall be signed by a majority of the directors, and by the cashier of the several banks, who shall make oath or affirmation before some magistrate qualified to administer oaths, and who shall have no interest in said corporate body, to the truth of said return, according to their best knowledge and belief.

Parts of former laws repealed.

SECT. 2. *Be it further enacted*, That all such parts of the existing laws of this Commonwealth, as relate to the mode and time of making returns of the state of the several banks, incorporated by the Legislature of this Commonwealth, be, and they are hereby repealed.

[This act passed March 14, 1806.]

An act to incorporate sundry persons, by the name of *The President, Directors, and Company of the Penobscot Bank.*

Names of persons incorporated, and general powers.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Crosby, Caleb Brooks Hall, John Lee, Stephen Peabody, Samuel E. Dutton, Joseph Lee, Asa Peabody, John Benson, Jonathan H. Brown, Josiah Hook, Allen Gilman, Samuel Lee, Robert Treat, Daniel Livermore, Mason Shaw, Thomas S. Sparhawk, Martin Kinsley, and their associates, successors and assigns, shall be, and hereby are created and made a corporation, by the name of *The President, Directors, and Company of the Penobscot Bank*, and shall so continue from the twentieth day of March instant, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and twelve; and by that name shall be, and hereby are made capable, in law, to sue and be sued, plead and be impleaded, to defend and be defended, in any court of record, or any other place whatsoever; and also to make and have a common seal, and to ordain, establish and put in execution, such bye-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of the said corporation, and for the prudent management of their affairs: *Provided*, such bye-laws, ordinances, and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions, herein prescribed.

SECT.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of *one hundred and fifty thousand dollars*, in gold, silver, and other coined metals, to be divided into shares of *one hundred dollars* each; and the sum of *seventy-five thousand dollars* shall be paid in gold, silver, or other coined metals, on or before the sixteenth day of June, in the year of our Lord, one thousand eight hundred and six; and the remaining sum of *seventy-five thousand dollars*, at such time, on or before the first day of June, A. D. one thousand eight hundred and eight, as shall be appointed by the president and directors of said bank, by public notice thereof published in any newspaper, printed in the county of *Hancock*, also in one of the newspapers published in *Portland*, two months at least previous to the time appointed for the payment aforesaid. And the stockholders, at their first meeting, shall, by a majority of votes, determine the amount of payments to be made on each share; also the mode of transferring and disposing of the stock, and the profits thereof; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns: *Provided*, that no money shall be loaned on discount, nor shall any bills, or promissory notes be issued from said bank, until the capital actually paid in and existing in gold, silver, or other coined metals, in their vaults, shall amount to *seventy-five thousand dollars*. And the said corporation are hereby made capable, in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors and assigns, lands, rents, tenements, and hereditaments, to an amount, not exceeding *fifteen thousand dollars*, at any one time; with power to sell and dispose of the same lands, tenements, and hereditaments, and to loan and negotiate their money and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, That nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate to any amount, by mortgage or execution, when taken as collateral security for the payment of any debt due; or in satisfaction of any judgment recovered by said corporation, subject to such forfeiture and right of redemption as is by law provided.

Amount of capital; number of shares; periods for the payments of instalments; amount of real estate allowed to be held, &c.

SECT. 3. *Be it further enacted*, That the following rules, regulations, limitations, and provisions, shall form and be the fundamental articles of the said corporation:

Rules, regulations, &c.

First, That the said corporation shall not issue and have in

Limitation as to amount of bills and loans.

in circulation, at any one time, bills, notes, or obligations, to a greater amount than twice their stock actually paid in; nor shall there be due to the said bank, at any one time, more than twice the amount as aforesaid; and in case of any excess, the directors, under whose administration it may happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate, from being liable for, and chargeable with such excess.

Corporation not to use their property in trade.

Second. The said corporation shall not vest, use or improve any of the monies, chattels or effects, in trade or commerce, but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

The real estate to be only such as may be necessary for the convenient transaction of business.

Third. That the lands; tenements, or hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business.

None but stockholders eligible for directors; one of the directors to be chosen president; and the cashier to give bonds.

Fourth. None but a member of said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a director; and the directors shall choose one out of their own number for president. And the cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the directors, in a sum not less than *ten thousand dollars*, with conditions for the faithful discharge of the duties of his office.

Directors of other banks not eligible in this.

Fifth. No director of any other bank shall be eligible to the office of a director of this bank, although he may be a stockholder therein; and any director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

Annual meeting, at which directors must be chosen.

Sixth. That for the well ordering the affairs of the said corporation, a meeting of the stockholders shall be held at such place as they shall direct, on the third Monday next after the fourth Tuesday of May, annually, and at any other time during the continuance of the said corporation, and at such place, as shall be appointed by the president and directors, for the time being, by public notification thereof, by advertising the same in any newspaper printed in the county of *Hancock*, or in the town of *Portland*, three weeks at least before the time appointed for said meeting; at which said annual meeting, there shall be chosen, by ballot, seven directors, to continue in office during the year ensuing their election, and until another choice of directors shall be made,

made. And the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportion; that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more: *Provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing.

Seventh. No director shall be entitled to any emolument for his services; but the stockholders may make the president such compensation as to them shall appear reasonable.

President to be compensated, but directors are to receive no pay.
Board of directors.

Eighth. Not less than four directors shall constitute a board for the transaction of business, of which the president shall always be one, except in case of sickness or necessary absence; in which case the directors present may choose a chairman, for the time being, in his stead.

Ninth. All bills issued from the bank aforesaid, and signed by the president, shall be binding on the corporation; but it shall not be lawful for them to issue any bills of a less denomination than *five dollars*, to a greater amount than five per cent on their stock.

Issuing of small bills limited.

Tenth. The directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the bank aforesaid.

Semi-annual dividends to be made.

Eleventh. The directors shall have power to appoint a cashier, and such clerks, and other officers for carrying on the business of said bank, with such salaries as to them shall seem meet.

Officers of the bank to be appointed.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of *Buckstown*, in the county of *Hancock*, or at such other place in said county, as the stockholders at their first meeting shall determine.

Bank to be kept at Buckstown, or other place in Hancock county.

SECT. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, not exceeding *ten thousand dollars*, reimbursable at five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, That the Commonwealth shall never, at any one time, stand indebted to said corporation, without their consent, for a larger sum than *ten thousand dollars*.

Money to be loaned the State, if required.

SECT. 6. *Be it further enacted*, That any committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said corporation, and shall have free access to all their books and

Committee of the legislature may examine books, &c.

vaults;

vaults ; and if upon such examination it shall be found, and after a full hearing of the said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation shall thereupon be declared forfeited and void.

No discounts to be made till evidence is given that the first instalment has been paid.

SECT. 7. *Be it further enacted*, That no discount shall be made at said bank, until the directors and company aforesaid shall have produced satisfactory evidence to the Governor and Council, that the first mentioned *seventy-five thousand dollars* of the capital stock has been paid in, and actually exists in gold, or silver, or other coined metals, in their vaults.

Premium to be given to the prosecutors of counterfeiters.

SECT. 8. *Be it further enacted*, That the said corporation shall be holden to pay a premium of *fifty dollars*, to every person who shall prosecute to conviction, in any Court having jurisdiction thereof, any person or persons who shall counterfeit or alter the bills of said bank.

Bills to be printed on stereotype plates.

SECT. 9. *Be it further enacted*, That all the bills or notes issued from said bank, shall be printed and made from stereotype plates.

How the first meeting may be called.

SECT. 10. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, by advertising the same in any paper in the town of *Portland*, three weeks before said meeting, for the purpose of making, ordaining, and establishing, such bye-laws, ordinances, and regulations, for the orderly conducting the affairs of the said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Semi-annual statements to be made to the Governor and Council.

SECT. 11. *Be it further enacted*, That it shall be the duty of the directors of the said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and other coined metals, and the bills of other banks on hand ; which statement shall be signed by the directors, and attested by the cashier.

SECT. 12. *Be it further enacted*, That this Commonwealth shall have a right, whenever the government thereof shall make provision by law, to subscribe and become interested in the capital stock of said bank, in a sum, not exceeding *thirty thousand dollars*, in such way and manner, as the government may judge most for the honour and interest of the Commonwealth, subject to the rules, regulations, and provisions, to be by them made and established.

The State to have a right to become interested in the bank.

SECT. 13. *Be it further enacted*, That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration.

The original amount of an altered bill to be paid.

SECT. 14. *Be it further enacted*, That nothing contained in this act shall be construed to prevent the Legislature from taxing the said bank, at any time hereafter, whenever they shall judge it expedient.

Bank liable to be taxed.

SECT. 15. *Be it further enacted*, That one eighth part of the whole funds of said bank shall always be appropriated to loans to be made to citizens of this Commonwealth, and wherein the directors shall wholly and exclusively regard the agricultural interest; which loans shall be made in sums, not more than *five hundred dollars*, nor less than *one hundred dollars*, and upon the personal bond of the borrower, with collateral security by sufficient mortgage of real estate, for a term, not less than one year, and on condition of paying the interest annually, on such loans, subject to such forfeiture, and right of redemption, as by law provided.

Loans to be made for the benefit of the agricultural interest.

[This act passed March 14, 1806.]

An act providing for the regulation of the State Prison, in Charlestown.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That criminals convict, who have been sentenced to confinement to hard labour for terms not yet expired, or who shall hereafter be sentenced to confinement to hard labour for life, or to solitary imprisonment, and also to confinement to hard labour, for any term, shall and may be imprisoned, restrained and employed in and within the precincts of the State Prison, situate in *Charlestown*, in the county of *Middlesex*. And the

Convicts sentenced to hard labour, to be confined in the State prison.

the Supreme Judicial Court are hereby authorized and empowered, by warrant, under their seal, directed to such officer or officers as they may think proper, requiring them to remove such convict or convicts as aforesaid, from any gaol in any county in this Commonwealth, to the State prison aforesaid; and all officers, keepers of said Prison, and keepers of the several gaols in the Commonwealth, are hereby required to do and perform all such duties and services, as may be set forth by such warrant; and the accounts of said officers for performing said services, shall be liquidated and paid in such manner as the Governor, with the advice of Council, shall direct: *Provided*, that the Justices of the Supreme Judicial Court, on any conviction before them, at their discretion, may direct any sentence of confinement to hard labour, being for a less term than one year, to be enforced, inflicted, and fulfilled in the prison of the county in which such conviction may be had.

Persons convicted before the Circuit Court may be sent to the State prison.

SECT. 2. *Be it further enacted*, That the keeper of said Prison shall receive all such persons, convicted before the Circuit Court of the *United States*, at any term of said Court in this Commonwealth, as may be sentenced by said Court to confinement and hard labour, for any term of time, and safely keep such convicts until they shall be discharged by due course of the laws of the *United States*.

Governor and Council authorized to appoint officers, and establish rules, &c. &c.

SECT. 3. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, shall have authority to appoint and remove, at pleasure, a Physician, Chaplain, and Board of Visitors, an Agent or Superintendent, and such other Officers, Assistants and Servants, as shall and may appear to be fit and necessary for the government, employment and regulation of said convicts; and to establish their pay, and vest them with such authority and powers, as may be necessary to carry the design of this act into full effect; and to make and establish such rules, regulations, and bye-laws, as may, in his opinion, with advice aforesaid, be fit and proper for the due management and government of said convicts; provided the same be not repugnant to the constitution and laws of this Commonwealth. And also, through the agency of the officers aforesaid, to furnish and provide for said convicts, such food, fuel, cloathing, and all matters and things, as shall or may, in his opinion, be necessary for the sustenance, employment, accommodation, and security of said convicts; and to vend and dispose of all articles by them manufactured;

tee, for the county of *Norfolk*, they shall have liberty to erect a gate, and to demand and receive half the above rates of toll, on the same, from all passengers, although the other part of the road, hereby granted, shall not have been completed.

SECT. 7. *Be it further enacted*, That when the Selectmen of the town of *Boston*, shall hereafter cut a canal from the Bay, on the westerly side of *Boston*, to the Bay on the easterly side of the same, they shall have liberty to cut through said turnpike road, they making a bridge over the same, with suitable abutments, which shall forever be kept in repair at the expense of said town of *Boston*.

Town of Boston permitted to cut a canal, erecting a bridge over the same.

SECT. 8. *Be it further enacted*, That the said corporation shall be entitled to all and singular the powers and provisions, and shall be subject to all the limitations and restrictions, which are particularly delineated for the government and organization of turnpike corporations, in an act, entitled, "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five, except where the same are controlled by the provisions of this act.

Corporation entitled to the powers, and subject to the restrictions, &c. of the general turnpike act.

[This act passed March 14, 1806.]

An act directing the mode and time of making returns of the state of the several incorporated Banks, in this Commonwealth, to His Excellency the Governor and the honorable Council.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the directors of the several banks, incorporated within this Commonwealth; shall, on the first Monday of January and June, in every year, make a return of the state of their several banks, as it existed on the day immediately preceding the Monday aforesaid, into the Secretary's office; which return shall specify the amount of the capital stock actually paid in, the value of the real estate belonging to the corporation, amount of debts on interest, other debts not on interest, cash deposited, bills in circulation, gold, silver, and other coined metals on hand, bills of other banks within the State, bills of other banks without the State, bills of one, two, and three dollars, in

Semi-annual returns to be made, and what is to be specified in them.

circulation, and the amount of said bills on hand; which said returns shall be signed by a majority of the directors, and by the cashier of the several banks, who shall make oath or affirmation before some magistrate qualified to administer oaths, and who shall have no interest in said corporate body, to the truth of said return, according to their best knowledge and belief.

Parts of former laws repealed.

SECT. 2. *Be it further enacted*, That all such parts of the existing laws of this Commonwealth, as relate to the mode and time of making returns of the state of the several banks, incorporated by the Legislature of this Commonwealth, be, and they are hereby repealed.

[This act passed March 14, 1806.]

An act to incorporate sundry persons, by the name of *The President, Directors, and Company of the Penobscot Bank*.

Names of persons incorporated, and general powers.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Crosby, Caleb Brooks Hall, John Lee, Stephen Peabody, Samuel E. Dutton, Joseph Lee, Asa Peabody, John Benson, Jonathan H. Brown, Josiah Hook, Allen Gilman, Samuel Lee, Robert Treat, Daniel Livermore, Mason Shaw, Thomas S. Sparhawk, Martin Kinsley, and their associates, successors and assigns, shall be, and hereby are created and made a corporation, by the name of *The President, Directors, and Company of the Penobscot Bank*, and shall so continue from the twentieth day of March instant, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and twelve; and by that name shall be, and hereby are made capable, in law, to sue and be sued, plead and be impleaded, to defend and be defended, in any court of record, or any other place whatsoever; and also to make and have a common seal, and to ordain, establish and put in execution, such bye-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of the said corporation, and for the prudent management of their affairs: *Provided*, such bye-laws, ordinances, and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions, herein prescribed.

SECT.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of *one hundred and fifty thousand dollars*, in gold, silver, and other coined metals, to be divided into shares of *one hundred dollars* each ; and the sum of *seventy-five thousand dollars* shall be paid in gold, silver, or other coined metals, on or before the sixteenth day of June, in the year of our Lord, one thousand eight hundred and six ; and the remaining sum of *seventy-five thousand dollars*, at such time, on or before the first day of June, A. D. one thousand eight hundred and eight, as shall be appointed by the president and directors of said bank, by public notice thereof published in any newspaper, printed in the county of *Hancock*, also in one of the newspapers published in *Portland*, two months at least previous to the time appointed for the payment aforesaid. And the stockholders, at their first meeting, shall, by a majority of votes, determine the amount of payments to be made on each share ; also the mode of transferring and disposing of the stock, and the profits thereof ; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns : *Provided*, that no money shall be loaned on discount, nor shall any bills, or promissory notes be issued from said bank, until the capital actually paid in and existing in gold, silver, or other coined metals, in their vaults, shall amount to *seventy-five thousand dollars*. And the said corporation are hereby made capable, in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors and assigns, lands, rents, tenements, and hereditaments, to an amount, not exceeding *fifteen thousand dollars*, at any one time ; with power to sell and dispose of the same lands, tenements, and hereditaments, and to loan and negotiate their money and effects, by discounting on banking principles, on such security as they shall think advisable : *Provided however*, That nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate to any amount, by mortgage or execution, when taken as collateral security for the payment of any debt due, or in satisfaction of any judgment recovered by said corporation, subject to such forfeiture and right of redemption as is by law provided.

SECT. 3. *Be it further enacted*, That the following rules, regulations, limitations, and provisions, shall form and be the fundamental articles of the said corporation :

Amount of capital ; number of shares ; periods for the payments of instalments ; amount of real estate allowed to be held, &c.

Rules, regulations, &c.

First, That the said corporation shall not issue and have
in

Limitation as to amount of bills and loans.

in circulation, at any one time, bills, notes, or obligations, to a greater amount than twice their stock actually paid in; nor shall there be due to the said bank, at any one time, more than twice the amount as aforesaid; and in case of any excess, the directors, under whose administration it may happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate, from being liable for, and chargeable with such excess.

Corporation not to use their property in trade.

Second. The said corporation shall not vest, use or improve any of the monies, chattels or effects, in trade or commerce, but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

The real estate to be only such as may be necessary for the convenient transaction of business.

Third. That the lands, tenements, or hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business.

None but stockholders eligible for directors; one of the directors to be chosen president; and the cashier to give bonds.

Fourth. None but a member of said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a director; and the directors shall choose one out of their own number for president. And the cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the directors, in a sum not less than *ten thousand dollars*, with conditions for the faithful discharge of the duties of his office.

Directors of other banks not eligible in this.

Fifth. No director of any other bank shall be eligible to the office of a director of this bank, although he may be a stockholder therein; and any director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

Annual meeting, at which directors must be chosen.

Sixth. That for the well ordering the affairs of the said corporation, a meeting of the stockholders shall be held at such place as they shall direct, on the third Monday next after the fourth Tuesday of May, annually, and at any other time during the continuance of the said corporation, and at such place, as shall be appointed by the president and directors, for the time being, by public notification thereof, by advertising the same in any newspaper printed in the county of *Hancock*, or in the town of *Portland*, three weeks at least before the time appointed for said meeting; at which said annual meeting, there shall be chosen, by ballot, seven directors, to continue in office during the year ensuing their election; and until another choice of directors shall be made,

made. And the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportion; that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more: *Provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing.

Seventh. No director shall be entitled to any emolument for his services; but the stockholders may make the president such compensation as to them shall appear reasonable.

President to be compensated, but directors are to receive no pay. Board of directors.

Eighth. Not less than four directors shall constitute a board for the transaction of business, of which the president shall always be one, except in case of sickness or necessary absence; in which case the directors present may choose a chairman, for the time being, in his stead.

Ninth. All bills issued from the bank aforesaid, and signed by the president, shall be binding on the corporation; but it shall not be lawful for them to issue any bills of a less denomination than *five dollars*, to a greater amount than five per cent on their stock.

Issuing of small bills limited.

Tenth. The directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the bank aforesaid.

Semi-annual dividends to be made.

Eleventh. The directors shall have power to appoint a cashier, and such clerks, and other officers for carrying on the business of said bank, with such salaries as to them shall seem meet.

Officers of the bank to be appointed.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of *Buckstown*, in the county of *Hancock*, or at such other place in said county, as the stockholders at their first meeting shall determine.

Bank to be kept at Bucks town, or other place in Hancock county.

SECT. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, not exceeding *ten thousand dollars*, reimbursable at five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, That the Commonwealth shall never, at any one time, stand indebted to said corporation, without their consent, for a larger sum than *ten thousand dollars*.

Money to be loaned the State, if required.

SECT. 6. *Be it further enacted*, That any committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said corporation, and shall have free access to all their books and

Committee of the legislature may examine books, &c.

vaults;

vaults ; and if upon such examination it shall be found, and after a full hearing of the said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation shall thereupon be declared forfeited and void.

No discounts to be made till evidence is given that the first instalment has been paid.

SECT. 7. *Be it further enacted*, That no discount shall be made at said bank, until the directors and company aforesaid shall have produced satisfactory evidence to the Governor and Council, that the first mentioned *seventy-five thousand dollars* of the capital stock has been paid in, and actually exists in gold, or silver, or other coined metals, in their vaults.

Premium to be given to the prosecutors of counterfeiters.

SECT. 8. *Be it further enacted*, That the said corporation shall be holden to pay a premium of *fifty dollars*, to every person who shall prosecute to conviction, in any Court having jurisdiction thereof, any person or persons who shall counterfeit or alter the bills of said bank.

Bills to be printed on stereotype plates.

SECT. 9. *Be it further enacted*, That all the bills or notes issued from said bank, shall be printed and made from stereotype plates.

How the first meeting may be called.

SECT. 10. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, by advertising the same in any paper in the town of *Portland*, three weeks before said meeting, for the purpose of making, ordaining, and establishing, such bye-laws, ordinances, and regulations, for the orderly conducting the affairs of the said corporation, as the stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they shall see fit to choose.

Semi-annual statements to be made to the Governor and Council.

SECT. 11. *Be it further enacted*, That it shall be the duty of the directors of the said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and other coined metals, and the bills of other banks on hand ; which statement shall be signed by the directors, and attested by the cashier,

SECT. 12. *Be it further enacted*, That this Commonwealth shall have a right, whenever the government thereof shall make provision by law, to subscribe and become interested in the capital stock of said bank, in a sum, not exceeding *thirty thousand dollars*, in such way and manner, as the government may judge most for the honour and interest of the Commonwealth, subject to the rules, regulations, and provisions, to be by them made and established.

The State to have a right to become interested in the bank.

SECT. 13. *Be it further enacted*, That the said corporation shall be liable to pay, to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration.

The original amount of an altered bill to be paid.

SECT. 14. *Be it further enacted*, That nothing contained in this act shall be construed to prevent the Legislature from taxing the said bank, at any time hereafter, whenever they shall judge it expedient.

Bank liable to be taxed.

SECT. 15. *Be it further enacted*, That one eighth part of the whole funds of said bank shall always be appropriated to loans to be made to citizens of this Commonwealth, and wherein the directors shall wholly and exclusively regard the agricultural interest; which loans shall be made in sums, not more than *five hundred dollars*, nor less than *one hundred dollars*, and upon the personal bond of the borrower, with collateral security by sufficient mortgage of real estate, for a term, not less than one year, and on condition of paying the interest annually, on such loans, subject to such forfeiture, and right of redemption, as by law provided.

Loans to be made for the benefit of the agricultural interest.

[This act passed March 14, 1806.]

An act providing for the regulation of the State Prison; in
Charlestown.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That criminals convict, who have been sentenced to confinement to hard labour for terms not yet expired, or who shall hereafter be sentenced to confinement to hard labour for life, or to solitary imprisonment, and also to confinement to hard labour, for any term, shall and may be imprisoned, restrained and employed in and within the precincts of the State Prison, situate in *Charlestown*, in the county of *Middlesex*. And the

Convicts sentenced to hard labour, to be confined in the State prison.

the Supreme Judicial Court are hereby authorized and empowered, by warrant, under their seal, directed to such officer or officers as they may think proper, requiring them to remove such convict or convicts as aforesaid, from any gaol in any county in this Commonwealth, to the State prison aforesaid; and all officers, keepers of said Prison, and keepers of the several gaols in the Commonwealth, are hereby required to do and perform all such duties and services, as may be set forth by such warrant; and the accounts of said officers for performing said services, shall be liquidated and paid in such manner as the Governor, with the advice of Council, shall direct: *Provided*, that the Justices of the Supreme Judicial Court, on any conviction before them, at their discretion, may direct any sentence of confinement to hard labour, being for a less term than one year, to be enforced, inflicted, and fulfilled in the prison of the county in which such conviction may be had.

Persons convicted before the Circuit Court may be sent to the State prison.

SECT. 2. *Be it further enacted*, That the keeper of said Prison shall receive all such persons, convicted before the Circuit Court of the *United States*, at any term of said Court in this Commonwealth, as may be sentenced by said Court to confinement and hard labour, for any term of time, and safely keep such convicts until they shall be discharged by due course of the laws of the *United States*.

Governor and Council authorized to appoint officers, and establish rules, &c. &c.

SECT. 3. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, shall have authority to appoint and remove, at pleasure, a Physician, Chaplain, and Board of Visitors, an Agent or Superintendent, and such other Officers, Assistants and Servants, as shall and may appear to be fit and necessary for the government, employment and regulation of said convicts; and to establish their pay, and vest them with such authority and powers, as may be necessary to carry the design of this act into full effect; and to make and establish such rules, regulations, and bye-laws, as may, in his opinion, with advice aforesaid, be fit and proper for the due management and government of said convicts; provided the same be not repugnant to the constitution and laws of this Commonwealth. And also, through the agency of the officers aforesaid, to furnish and provide for said convicts, such food, fuel, cloathing, and all matters and things, as shall or may, in his opinion, be necessary for the sustenance, employment, accommodation, and security of said convicts; and to vend and dispose of all articles by them manufactured;

tured; and to cause a copy of the rules, regulations, and bye-laws, and a fair statement of all the accounts, expenses, disbursements, and business of said prison, to be laid before the General Court, at their session holden first after the month of December, annually.

SECT. 4. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, be, and he is hereby authorized to draw his warrant upon the Treasurer of this Commonwealth, in favour of such Agent or Superintendent, as he may appoint as aforesaid, for such sum or sums of money as he may deem fit and sufficient for the several purposes mentioned in this act, not exceeding the sum of *ten thousand dollars*, the said agent or superintendent to be accountable for the expenditure of the same; and the superintendent shall give a bond to the Commonwealth, in the sum of *twenty thousand dollars*, with sufficient surety, to be approved by the Governor, with advice of Council, and upon condition that said superintendent shall do, observe, and perform all the duties incumbent on him as such agent or superintendent.

The Governor, with advice of Council, to draw warrants on the treasury in favour of the superintendent.

SECT. 5. *Be it further enacted*, That the Governor, by and with the advice of the Council, be, and he is hereby authorized, whenever he may deem it necessary and expedient, to raise and employ a military guard, for the safe keeping of the convicts, who are confined in the State prison; said guard to consist of such officer or officers, and such a number of privates, as His Excellency shall deem requisite for the same.

Military guard may be established.

SECT. 6. *Be it further enacted*, That if any keeper, or assistant keeper, in the State prison aforesaid, shall fraudulently contrive, procure, aid, connive at, or otherwise voluntarily suffer the escape of any convict therein committed, under sentence of confinement as aforesaid, such fraudulent keeper or assistant keeper, so offending, on due conviction thereof, in the Supreme Judicial Court, shall, and may be punished, by solitary confinement, for a term, not exceeding one year, and by confinement to hard labour, for a term, not exceeding twenty years, at the discretion of the Justices of the said Court, before whom the conviction may be.

Punishment of a keeper, who shall assist a convict to escape.

SECT. 7. *Be it further enacted*, That if any keeper, or assistant keeper, employed as aforesaid, shall negligently suffer any convict, committed and in custody as aforesaid, under a sentence of solitary imprisonment, to be at large without the cell or apartment assigned to such convict, or

Penalty for any keeper, who shall negligently allow a convict to be improperly at large, or visited, &c.

to be there visited, conversed with, comforted or relieved, contrary to the rules and regulations of said prison, and without the leave or approbation of the visitors of the said prison, or some one of them, or shall negligently suffer such convict or any convict there committed, under sentence of confinement to hard labour, to be at large without the precincts of the said prison, or contrary to the rules thereof, to be out of close confinement, every such keeper or assistant keeper, so neglecting his duty in the premises, being thereof duly convicted in the Supreme Judicial Court, shall be punished by a fine not exceeding *five hundred dollars*, and at the discretion of the said Court, may be adjudged incapable of, and may be removed from any office or trust within the said prison.

Punishment for rescuing any convict, assisting him to escape, or supplying him with tools to enable him to escape.

SECT. 8. *Be it further enacted*, That if any person shall forcibly or fraudulently rescue, or attempt to rescue any convict from the custody of any officer, or other person, authorized or employed by any warrant of commitment as aforesaid, or from the said State prison; or from any other prison or gaol where such convict may be lawfully committed, pursuant to any sentence of solitary imprisonment or confinement to hard labour; or shall convey to any convict in custody or committed as aforesaid, or into said State prison, or any other prison, any tool, instrument, weapon or other aid, with intent to enable such convict to escape, or to procure the escape of any convict, whether such escape be effected or not, every person so offending, being duly convicted thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment, not exceeding one year, and by confinement to hard labour, not exceeding ten years; or, at the discretion of the said court, may be punished with a fine, not exceeding *five hundred dollars*, and by binding to the good behaviour for a term, not exceeding three years, according to the nature and aggravation of the offence.

Punishment of any convict for life, for assaulting a keeper, &c. escaping from the prison, or attempting to escape.

SECT. 9. *Be it further enacted*, That if any convict, committed to the said State prison under sentence of confinement to hard labour during life, shall assault any inspector, keeper, or assistant keeper of the said prison, or other person employed in the government thereof, or shall forcibly attempt to break from the said prison, every such convict so offending, upon due conviction before the Supreme Judicial Court, shall and may be punished by whipping, to be inflicted within the precincts of the said prison, at one or more, not exceeding three, distinct times, and not exceeding

exceeding thirty lashes at each time, and by solitary imprisonment, not exceeding one year, and shall be afterwards there holden in custody upon such former sentence: and every person, being under confinement as aforesaid, who shall escape from said prison, shall, for every such offence, be further sentenced to solitary imprisonment for a term not exceeding twelve months.

SECT. 10. *Be it further enacted*, That if any convict, committed to said State prison, under sentence for a limited time, shall assault any inspector, keeper, assistant-keeper, or other person employed in the direction or custody of said State prison, or shall attempt by violence to escape therefrom, every such convict, so further offending, upon due conviction thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment, not exceeding one year, in addition to any former like sentence, or to precede the fulfilment of any former sentence to hard labour, as the case may be; and at the discretion of the said Court may be further punished by confinement to hard labour, for a term, not exceeding ten years, to commence after such solitary imprisonment, or after any former sentence shall be fulfilled, as the case may be.

Punishment of any convict for a limited time, who shall assault, &c.

SECT. 11. *Be it further enacted*, That respecting all crimes and offences which may be committed in the State prison aforesaid, and the precincts thereof, the said prison and precincts shall, in all judicial proceedings, be deemed and taken to be as well within the county of *Suffolk*, as within the county of *Middlesex*; and the several sheriffs, coroners, deputy sheriffs, and other civil officers, of the same counties respectively, shall have concurrent authority in said prison, and the precincts thereof, respecting all crimes and offences therein committed.

Respecting any offences, the State prison is to be considered as well within the county of Suffolk as of Middlesex.

[This act passed March 14, 1806.]

An act in addition to an act entitled, "An act for regulating and governing the militia of the Commonwealth of *Massachusetts*, and for repealing all laws heretofore made for that purpose," excepting an act entitled, "An act for establishing rules and articles for governing the troops stationed in the forts and garrisons within this Commonwealth, and also the militia, when called into actual service."

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be the

Adjutant-General to make an annual return of the militia, with their arms, &c. to the President.

the duty of the Adjutant-General of the militia of this Commonwealth, to make a return of the militia, with their arms, accoutrements, and ammunition, to the President of the *United States*, annually, on or before the first Monday in January, in each year; and so far as respects the forms of the said returns, it shall be his duty to conform to such directions as he shall from time to time receive from the Secretary at War.

Every enrolled citizen to be constantly provided with arms, &c. and what shall constitute a notice of enrolment.

SECT. 2. *Be it further enacted*, That every citizen, duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the directions of an act, which passed the twenty-second day of June, in the year of our Lord, one thousand seven hundred and ninety-three, for regulating and governing the militia of this Commonwealth, from and after the time when he shall be duly notified of his enrolment, and any notice or warning to the citizens so enrolled to attend a Company, Battalion or Regimental muster or training, shall be deemed a legal notice of his enrolment, and he shall be holden to attend accordingly.

Quarter-Masters of brigades, and chaplains of regiments to be appointed.

SECT. 3. *Be it further enacted*, That to each brigade, there shall be one Quarter-Master of Brigade, who shall be appointed by the Brigadier-General, with the rank of Major; and to each regiment, one Chaplain, who shall be appointed by the Lieutenant-Colonel Commandant of the regiment; and the Brigade-Quarter-Master and Chaplains, being so appointed, shall be commissioned as such by the Governor. And the Quarter-Master-General of the Commonwealth, shall have the rank of Brigadier-General; and the Commander in Chief is hereby authorized to commission him accordingly.

Sergeants or clerks may be reduced to the ranks.

SECT. 4. *Be it further enacted*, That it shall be lawful for the Lieutenant-Colonel Commandant, or commanding officer of each regiment or corps, to reduce any Sergeant or Clerk of his regiment or corps to the ranks for disobedience of orders, neglect of duty, or any unmilitary conduct, by and with the advice of the Captain or commanding officer of the company to which such non-commissioned officer belongs, first giving notice thereof to the Sergeant or Clerk, as the case may be.

Certain blank warrants and notifications to be provided.

SECT. 5. *Be it further enacted*, That it shall be the duty of the Adjutant-General to furnish blank warrants for the Captains of the militia, to order their non-commissioned officers or privates to warn their soldiers to attend all the trainings and reviews, which shall be ordered; likewise blank

blank notifications for that purpose; and that he prepare the shortest and most correct forms of such warrants and notifications, accordingly; and it shall not be necessary that seals should be affixed to said warrants.

SECT. 6. *Be it further enacted*, That at all battalions and regimental reviews or musters, each non-commissioned officer and soldier, who, being duly warned, shall unnecessarily neglect to appear at the time and place appointed, armed and equipped according to the act described in the second section of this act, shall, in lieu of the fines now provided by law, pay as a fine, for each default, the sum of *four dollars*; and at each company review or muster, for each default, the sum of *two dollars*, to be recovered in the same manner as fines are made recoverable by the act described in the second section of this act as aforesaid. And each non-commissioned officer and soldier, belonging to any troop of Cavalry, company of Artillery, or Light-Infantry, or any other company raised at large, who shall appear at any company, regimental, brigade, or any other muster or review, without the uniform dress of the company to which he belongs, when ordered thereto, shall pay a fine of *two dollars* for such neglect, to be recovered in the same manner as fines for non-appearance are recovered.

Penalties for neglecting to attend any battalion, regimental, or company muster, &c.

SECT. 7. *Be it further enacted*, That the clause in the act described in the second section of this act, which provides that those who have received a commission to keep the peace, and are qualified to act in that office, "shall be exempted from doing military duty," in future shall be so construed, as to exempt none but Justices, appointed to keep the peace, and qualified to act in that office.

Justices who are qualified to act in their offices, are alone exempted from military duty.

SECT. 8. *Be it further enacted*, That whenever the Captain, or commanding officer of a company, shall think proper, he may direct his orders to the privates therein, as well as the non-commissioned officers of such company, requiring them to warn the same; and if either of them so ordered, shall neglect to give the said notice or warning, he shall pay the same fine, to be recovered in the same manner, as is provided for a similar offence in the second section of the additional act, passed the fourth day of March, in the year of our Lord one thousand and eight hundred.

A private may be ordered to warn a meeting of the company.

SECT. 9. *Be it further enacted*, That each Brigadier-General, or commanding officer of the brigade, shall be authorized, upon application of the commanding officer of any troop of Cavalry, company of Artillery, or Light Infantry,

Soldiers may be discharged from companies of cavalry, artillery and light infantry.

try,

try, to discharge any non-commissioned officer or soldier, from any such troop of Cavalry, company of Artillery, or Light-Infantry, and after being so discharged, he shall be enrolled in the company of militia where he may reside, and such non-commissioned officer shall be considered as reduced to the ranks.

Four companies of cavalry or artillery in a brigade are to constitute a battalion, &c.

SECT. 10. *Be it further enacted*, That in each brigade, where four companies of Cavalry or Artillery have been, or hereafter shall be established, they shall be formed into a battalion, and shall be entitled to a Lieutenant-Colonel, and one Major.

Judge Advocates to be appointed.

SECT. 11. *Be it further enacted*, That in each division, a Judge-Advocate shall be recommended by the Major-General, and if approved by the Commander in Chief, commissioned by him ; whose duty it shall be to attend all Courts Martial within the division, whether ordered by the Commander in Chief, or the Major-General of the division, and they shall be commissioned with rank of Major. *Provided nevertheless*, it shall be in the power of the Commander in Chief, or the Major-General, to appoint a Judge-Advocate, *pro tempore*, to any particular Court Martial appointed to be holden, in case of inability of the Division-Judge-Advocate, or in case of any legal impediment to his acting.

Four Aid-de-camps to the Commander in Chief to be appointed.

SECT. 12. *Be it further enacted*, That the Commander in Chief shall be entitled to four Aid-de-Camps, who shall be appointed by himself, and commissioned with the rank of Lieutenant-Colonel.

Marshals to be appointed to attend Courts-Martial.

SECT. 13. *Be it further enacted*, That it shall be the duty of an officer, appointing a Court Martial, to appoint a Marshal to attend the same ; and every Court Martial duly appointed, shall be authorized to preserve order during their session ; and if any person or persons, in presence of such Court Martial, shall behave in a disorderly manner, and create a tumult and disturbance to such Court Martial ; and shall not, upon the request of the Marshal of such Court Martial, desist therefrom, it shall be lawful for the said Court Martial to confine such disorderly person or persons, for a space of time not exceeding eight hours, unless said Court Martial shall sooner adjourn or be dissolved.

[This act passed March 14, 1806.]

An act for raising the sum of *Thirty Thousand Dollars*, for the use of the University at *Cambridge*.

WHEREAS the Corporation of Harvard College have represented to this Court, that the proceeds of the lottery, granted for the use of the University, by an act passed June 14, 1794, were insufficient for the purpose intended, and that great and expensive repairs have become necessary to be made on *Massachusetts Hall*, for which they have not funds to provide :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the sum of *thirty thousand dollars* be raised by lottery, for the purpose of replacing to the funds of said University, the sum taken therefrom, for erecting the new building, called *Stoughton Hall*, and for the purpose of repairing *Massachusetts Hall*, or erecting a new building on its scite, if in the opinion of the corporation it should appear most advisable to erect such new building, rather than to make the repairs abovementioned.

SECT. 2. *Be it further enacted,* That the President and Fellows of said University be, and hereby are authorized and empowered to appoint three or more managers of said lottery, at their discretion, who shall be sworn to the faithful performance of their trust, and shall give such security as the said President and Fellows shall require, for the faithful performance of their duty, and the payment of the proceeds of said lottery, to the Treasury of said University, deducting all necessary expenses of management, and such compensation for their services, as the said President and Fellows shall agree to allow.

SECT. 3. *Be it further enacted,* That the managers of said lottery, to be appointed as aforesaid, shall be empowered to raise the sum aforesaid, by lottery as aforesaid, under the direction of the said President and Fellows, in one or more classes ; and they shall publish schemes of the several classes in said lottery, in such public newspapers, as they shall think proper ; and all prizes, which may be drawn in said lottery, shall be paid according to the terms and conditions of such scheme or schemes, which may be published as aforesaid : and all prizes not demanded within the time stipulated in the scheme or schemes, to be published, shall, together with the nett proceeds of said lottery, be appropriated to the purposes aforesaid.

[This act passed March 14, 1806.]

An act in addition to an act, entitled "An act for enlarging the jurisdiction of the Courts of Common Pleas, and other purposes."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever there shall be a vacancy in the office of Chief Justice of the Court of Common Pleas, in any county where a Chief Justice has before been appointed, pursuant to an act, entitled, "An act for enlarging the jurisdiction of the Courts of Common Pleas, and other purposes," such vacancy shall be filled up by the appointment of a Chief Justice of said Court, who shall have all the powers and authority necessary and incident to that office, with all the perquisites thereof, any thing in said act to the contrary notwithstanding.

[This act passed March 14, 1806.]

An act to alter the names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, John O'Neil, jun. of *Madison*, in the county of *Kennebec*, shall be allowed to take the name of John Neil; James O'Neil, of said *Madison*, shall be allowed to take the name of James Neil; Samuel O'Neil, of *Noridgewalk*, in said county, shall be allowed to take the name of Samuel Neil; Benjamin Pickman, son of the Hon. Benjamin Pickman, jun. of *Salem*, in the county of *Essex*, shall be allowed to take the name of Benjamin Toppan Pickman; Stephen Webb, son of Stephen Webb, of said *Salem*, shall be allowed to take the name of Stephen Palfrey Webb; William Richardson, of said *Salem*, shall be allowed to take the name of William Putnam Richardson; James Griffin, of said *Salem*, shall be allowed to take the name of Jonathan Griffin; John Edmands, the third, of *Charlestown*, in the county of *Middlesex*, shall be allowed to take the name of John Davis Edmands; Samuel Coolidge, of *Boston*, in the county of *Suffolk*, shall be allowed to take the name of Samuel Frederick Coolidge; Andrew Campbell Moses, of said *Boston*, shall be allowed to take the name of Andrew Campbell Jones; Benjamin Homer, of said *Boston*, shall be allowed to take the name of Benjamin Parrot Homer; William
 Hunt.

Hunt, of said *Boston*, shall be allowed to take the name of William Chamberlain Hunt; Job Prince, of said *Boston*, shall be allowed to take the name of Thomas J. Prince; Judith Parsons, daughter of Theophilus Parsons, of said *Boston*, Esqr. shall be allowed to take the name of Mary Judith Parsons; John Winslow, jun. of said *Boston*, shall be allowed to take the name of John D. Winslow; Joseph Neals How, of said *Boston*, shall be allowed to take the name of Joseph Neals Howe; Thomas Wales, of said *Boston*, shall be allowed to take the name of Thomas B. Wales; Francis Thayer, of *Braintree*, in the county of *Norfolk*, shall be allowed to take the name of Ebenezer Francis Thayer; Obed Broadbrooks, of *Harwich*, in the county of *Barnstable*, shall be allowed to take the name of Obed Brooks; Ebenezer Broadbrooks, of said *Harwich*, shall be allowed to take the name of Ebenezer Brooks; and the minor children of said Ebenezer Broadbrooks, to wit, Asenath, Jameson, Lucy, Ebenezer, Seth, and Sabra, shall respectively take the surname of Brooks, instead of Broadbrooks; and John Green, of *Eastport*, in the county of *Washington*, shall be allowed to take the name of John Le Baron Green; and each of the persons before named shall, in future, be respectively known and called by the names they are severally allowed to take as aforesaid, and the same shall be considered as their only proper names, to all intents and purposes.

[This act passed March 14, 1806.]

An act to establish an Academy at *Concord*, in the county of *Middlesex*.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an academy, exclusively for the instruction of females, in learning, virtue, and religion, be, and hereby is established at *Concord*, in the county of *Middlesex*, by the name of *The Middlesex Female Academy*.

Academy established.

SECT. 2. *Be it further enacted*, That the Hon. Timothy Bigelow, of *Groton*, Rev. Moses Adams, of *Acton*, Rev. Charles Stearnes, of *Lincoln*, Hon. Artemas Ward, and Joseph Hurd, Esqrs. of *Charlestown*, Rev. William Emerson, of *Boston*, Rev. Ezra Ripley, Doct. Isaac Hurd, Tilly Merriek, Esqr. Deacon John White, Mr. Jonas Lee, Lieut. Charles Hammond, and Thomas Heald, Esqr. of

First trustees appointed, and fund limited.

Concord, be, and hereby are constituted a body corporate, by the name of *The Trustees of the Middlesex Female Academy*; and they and their successors shall continue a corporation by that name forever, with power to have a common seal, to contract, to sue or be sued, and prosecute or defend suits, by their agent or agents, appointed for that purpose; to take, hold, and improve any estate, real or personal, and the same to lease, exchange, or sell and convey, for the benefit of the said academy, by deed or deeds, duly executed by their Treasurer, or other officer or agent, being thereunto authorized by the said corporation: *Provided*, That the annual income of the whole estate of the said corporation, shall not exceed *five thousand dollars*.

Clerk, treasurer, and other officers to be appointed.

SECT. 3. *Be it further enacted*, That the said trustees shall have power, from time to time, to appoint a Clerk, who shall be under oath, and a Treasurer, who shall give bond for the faithful discharge of his trust, and such other officers, and such instructors and governors of the said academy, as the trustees may judge needful and proper, and also to determine the times and places of their meetings, the mode of warning the same, of electing officers and trustees, and of transacting all other business; and to ordain necessary and reasonable orders, regulations, and bye-laws, for the instruction and government of the said academy, not repugnant to the constitution and laws of this Commonwealth.

Trustees to be elected to fill vacancies.

SECT. 4. *Be it further enacted*, That whenever any of the said trustees shall die, or resign, or by age, infirmity, or otherwise, become incapable of discharging the said trust, in the judgment of the major part of the said trustees, the survivors may fill such vacancy, by electing a successor.

Number of trustees limited.

SECT. 5. *Be it further enacted*, That the number of the said trustees shall not, at any one time, be more than fifteen, nor less than nine; eight of whom shall constitute a quorum for the transaction of business; and all questions shall be decided by the votes of a major part of the trustees present; and in case of an equal division, by the casting vote of the presiding trustee.

First meeting.

SECT. 6. *Be it further enacted*, That the Rev. Ezra Ripley, be, and he hereby is authorized to appoint the time and place, and purposes of the first meeting of the said trustees, and give them notice thereof.

[This act passed March 14, 1806.]

INDEX.

*from June 1805 to
March 14. 1806*

A

| | |
|---------------------------------------------|-----|
| <i>ACTS and Resolves, how to be proved,</i> | 43 |
| <i>Amoskeag Lottery,</i> | 132 |

B

| | |
|------------------------------------------------------------------|-----|
| <i>Bridge, Dartmouth,</i> | 3 |
| ——, <i>South-river, Salem,</i> | 58 |
| ——, <i>Eastern-river, Dresden,</i> | 65 |
| ——, <i>Acoaxet-river, Westport,</i> | 82 |
| <i>Bank, Merrimack and Newburyport,</i> | 6 |
| ——, <i>Nantucket,</i> | 7 |
| <i>Banks, authorized to issue small bills,</i> | 31 |
| <i>Bank, Berkshire,</i> | 48 |
| ——, <i>Nantucket,</i> | 57 |
| <i>Banks, returns directed,</i> | 137 |
| <i>Bank, Penobscot,</i> | 138 |
| <i>Bethel Baptist Society,</i> | 26 |
| <i>Bristol Congregational Society,</i> | 27 |
| <i>Boston Board of Health,</i> | 35 |
| <i>Bethel, west parish, proceedings rendered valid,</i> | 100 |
| <i>Burglary, &c. an act providing a punishment therefor,</i> | 121 |

C

| | |
|-------------------------------------------------------|----|
| <i>Cotton Manufactory, at Rehoboth,</i> | 5 |
| <i>Court of Sessions, Hampshire,</i> | 5 |
| <i>Courts of Common Pleas and Sessions, in Essex,</i> | 19 |
| ——, <i>in Cumberland,</i> | 22 |
| <i>Court of Sessions, Essex,</i> | 43 |
| <i>Court of Common Pleas and Sessions, York,</i> | 44 |
| ——, <i>Berkshire,</i> | 64 |
| <i>Crackers, Squibs, &c. &c.</i> | 66 |
| <i>Coroners, their duty,</i> | 77 |
| <i>Courts of Common Pleas and Sessions, Norfolk,</i> | 79 |
| <i>Convicts, poor, to be liberated,</i> | 80 |
| <i>Charlestown Charity Fund,</i> | 81 |
| <i>Cambridgeport Aqueduct,</i> | 86 |
| <i>Courts of Probate, Middlesex,</i> | 99 |

INDEX.

| | |
|---------------------------------------------------------|-----|
| <i>Courts of Common Pleas and Sessions, Cumberland,</i> | 100 |
| <i>Cincinnati, of Massachusetts, incorporated,</i> | 122 |
| <i>Courts of Common Pleas,</i> | 152 |

D

| | |
|----------------------------------------|-----|
| <i>Douglas Congregational Society,</i> | 60 |
| <i>Day's Academy,</i> | 125 |

E

| | |
|-------------------|----|
| <i>Enginemen,</i> | 98 |
|-------------------|----|

F

| | |
|---------------------------------------------|-----|
| <i>Fitchburgh Calvinistic Society,</i> | 3 |
| <i>Florida incorporated,</i> | 20 |
| <i>Fishery in Ipswich-river,</i> | 37 |
| ——— <i>in Cobbossee Contec-river,</i> | 43 |
| ——— <i>at Acton,</i> | 47 |
| ——— <i>in Parker-river and Falls-river,</i> | 92 |
| ——— <i>in Mystic-river and Eell-pond,</i> | 102 |
| ——— <i>at Hingham,</i> | 109 |
| <i>Front-street Corporation,</i> | 110 |

G

| | |
|-----------------------------------------------------------------------------------------|-----|
| <i>Goodenough, Elijah, and others, set off from the first precinct in Boylston,</i> | 45 |
| <i>Goods of debtors, certain, exempted from attachment,</i> | 119 |

I

| | |
|-----------------------------------------------|-----|
| <i>Insurance Company, Newburyport Marine,</i> | 42 |
| ———, <i>Massachusetts Fire,</i> | 56 |
| <i>Intestate Estates,</i> | 106 |
| <i>Jurors and Witnesses,</i> | 73 |

L

| | |
|-------------------------------------------------------------|-----|
| <i>Little Harbour Corporation,</i> | 9 |
| <i>Lee, an act in addition to the act of incorporation,</i> | 70 |
| <i>Laws, divers, repealed,</i> | 104 |

M

| | |
|---------------------------------------------------------------------------------|----|
| <i>Meeting-house, in Federal-street, Boston, proprietors incorporated,</i> | 23 |
| <i>Makepeace, Royal, and others, incorporated to build a meeting-house,</i> | 32 |
| <i>Marriage and divorce,</i> | 68 |
| <i>Mansfield, Isaac, coroner,</i> | 74 |

INDEX.

| | |
|--------------------------------------------|-----|
| <i>Massachusetts Mechanic Association,</i> | 91 |
| <i>Militia,</i> | 147 |
| <i>Middlesex Female Academy,</i> | 153 |

N

| | |
|----------------------------------------|-----|
| <i>Newry incorporated,</i> | 16 |
| <i>Names altered,</i> | 25 |
| <i>Northborough, part of, set off,</i> | 40 |
| <i>North-Yarmouth School Fund,</i> | 62 |
| —————, <i>new parish incorporated,</i> | 66 |
| <i>Names altered,</i> | 152 |

O

| | |
|-----------------------------------------------------------------------|-----|
| <i>Oxford County, an act in addition to the act of incorporation,</i> | 8 |
| <i>Orono incorporated,</i> | 111 |

P

| | |
|--------------------------------------------------------------------------|-----|
| <i>Parker, William, annexed to the third parish in Reading,</i> | 16 |
| <i>Phillips, Seth, and Jabez Ward, set off from Gerry,</i> | 55 |
| <i>Public debt,</i> | 71 |
| <i>Portland, Episcopal Church,</i> | 72 |
| <i>Plumb-island, an additional act respecting,</i> | 93 |
| <i>Page, Samuel, and others, annexed to the north parish in Danvers,</i> | 95 |
| <i>Pond-street Corporation,</i> | 105 |

R

| | |
|----------------------------------------------------|-----|
| <i>Registry of Deeds, Berkshire,</i> | 47 |
| —————, <i>Oxford,</i> | 54 |
| <i>Reporter of decisions in the Supreme Court,</i> | 96 |
| <i>Rape, an act for the punishment thereof,</i> | 115 |

S

| | |
|------------------------------------------------------------------|-----|
| <i>South Boston Association,</i> | 13 |
| <i>State Prison, Governor authorized to provide regulations,</i> | 29 |
| <i>Social Libraries,</i> | 84 |
| <i>Springfield Ministerial Fund,</i> | 88 |
| <i>Salem Baptist Society,</i> | 112 |
| <i>Stage Plays,</i> | 117 |
| <i>Sheriffs' Bonds,</i> | 118 |
| <i>Schoodick Sluice Ways,</i> | 129 |
| <i>State Prison,</i> | 143 |

INDEX.

T

| | |
|-----------------------------------------|-----|
| <i>Turnpike, Middlesex,</i> | 17 |
| ————, <i>Andover and Medford,</i> | 19 |
| ————, <i>Worcester and Fitzwilliam,</i> | 21 |
| ————, <i>Union,</i> | 21 |
| ————, <i>Ashby,</i> | 38 |
| ————, <i>Norton,</i> | 39 |
| ————, <i>Worcester and Stafford,</i> | 40 |
| ————, <i>Plumb-island,</i> | 46 |
| ————, <i>Fourteenth Massachusetts,</i> | 66 |
| ————, <i>Housetonic-river,</i> | 69 |
| ————, <i>Worcester,</i> | 78 |
| ————, <i>Alford and Egremont,</i> | 115 |
| ————, <i>Essex,</i> | 124 |
| ————, <i>Lancaster and Bolton,</i> | 124 |
| ————, <i>Norfolk and Bristol,</i> | 126 |
| ————, <i>Wrentham and Walpole,</i> | 133 |
| ————, <i>Second Brush-hill,</i> | 134 |
| <i>Thomaston, north parish,</i> | 101 |

U

| | |
|----------------------------------------|-----|
| <i>Universalist Society in Boston,</i> | 96 |
| <i>University Lottery,</i> | 151 |

W

| | |
|--------------------------------------------------------------|-----|
| <i>Washington Mines,</i> | 36 |
| <i>Writs of Error,</i> | 42 |
| <i>Williamstown meeting-house, proprietors incorporated,</i> | 94 |
| <i>Winthrop Congregational Society,</i> | 73 |
| <i>Witnesses and Jurors,</i> | 73 |
| <i>West-Boston Society incorporated,</i> | 74 |
| <i>Warren Schools,</i> | 114 |

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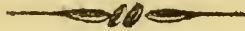
PASSED AT

SEVERAL SESSIONS

OF THE

GENERAL COURT,

HOLDEN IN BOSTON.



PUBLISHED AGREEABLY TO A RESOLVE PASSED IN JANUARY,

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LAWS

PASSED AT THE SESSION COMMENCED ON THE
TWENTY-EIGHTH OF MAY, 1806.

HATFIELD BRIDGE.

June 19, An. 1806.

CHAPTER I.

An act authorizing a Lottery, for the the purpose of completing Hatfield Bridge.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the sum of ten thousand dollars be raised by a Lottery, for the purpose of completing Hatfield Bridge, in the county of Hampshire, in consideration of the many and singular losses, by the proprietors thereof sustained; and that Samuel Porter, Elijah Dickinson, Isaac Abercrombie, Samuel F. Dickinson, Esquires, and Dr. John Hastings, be, and they hereby are appointed managers of said lottery; whose business it shall be, from time to time, to make and publish such scheme or schemes, as shall, in their opinion, best promote the purposes of said lottery; and to draw said lottery, and to transact all other business pertaining thereto.

Managers.

Managerstogibonds.

SECT. 2. *Be it further enacted,* That said managers, before entering on the duties of their said office, shall give separate bonds, with sufficient sureties, to the proprietors of said bridge, to be lodged with the treasurer thereof, in the sum of six thousand dollars each, conditioned each one to be answerable for his own defaults, faithfully to perform the duties of his said office; and also to refund all monies by them severally received for tickets, provided any class in said lottery shall not be drawn within six months after the time appointed and advertised for that purpose; and also to pay into the treasury of said proprietors, from time to time, the nett proceeds arising from said lottery; and said bonds shall severally remain in the treasury of said proprietors, for and during the term of one whole year after all the classes in said lottery shall be drawn and completed, that all persons aggrieved by the doings of said managers, may have the benefit thereof. And said managers, before entering

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th.

entering on the duties of their said office, shall be under oath faithfully to perform the same.

Prizes to be paid
thirty days af-
ter the drawing
completed.

SECT. 3. *Be it further enacted,* That the prizes in said lottery shall be paid by the managers, in thirty days after the drawing of any class therein shall be completed. And all prizes, not demanded in one year next thereafter, shall be considered as generously given for the purposes for which this lottery was granted. And the said managers are hereby directed, from time to time, as any class in said lottery may be drawn, to pay into the treasury of said proprietors the nett proceeds thereof, after deducting a reasonable allowance for their services and expenses. Which nett proceeds shall be faithfully applied for the purpose of finishing and completing the aforesaid bridge. And the proprietors of said bridge, before any proceedings shall be had under this act, shall give bond with sufficient sureties, in such sum as the Governor, with advice of Council, shall direct, to this Commonwealth, conditioned, that the said nett proceeds of said lottery shall be faithfully applied for the purpose of completing said bridge, and also for the actual completion of the same.

Proprietors to
give bonds for
the faithful ap-
plication of the
nett proceeds.

Managers' duty.

SECT. 4. *Be it further enacted,* That said managers shall, from time to time, publish, in one or more of the public newspapers printed in this Commonwealth, the scheme of each class respectively, the time and places, severally, of drawing the same, and also lists of prizes. They shall, also, after the business of said lottery is completed, lay an exact account of their doings therein, with the amount of tickets sold in each class, the expense and nett proceeds thereof, before the Governor and Council, for their examination and approbation; and they shall be severally holden, by their said bonds, until their said accounts shall be so examined and approved.

Price of fraction-
al parts of tickets
not to be advan-
ced.

SECT. 5. *Be it further enacted,* That it shall be the duty of said managers, to prevent, as far as in their power, the selling of any fractional parts of tickets; and if any person shall sell any fractional part of a ticket in said lottery for an advanced price, the person purchasing such fractional part may recover back the whole sum, which shall appear to have been paid therefor, in an action for money had and received to his use.

SECT. 6. *Be it further enacted,* That by the non-acceptance, resignation or death of any of said managers, such vacancy or vacancies shall be supplied by said proprietors at a meeting to be called specially for that purpose.

SECT. 7. *Be it further enacted,* That this act shall continue in force for the term of two years, from and after the passing of the same, and no longer.

[This act passed *June 19, 1806.*]

CHAP. II.

An act to authorize the Court of General Sessions of the Peace, for the county of Essex, to grant licenses to innholders and retailers in a certain case not provided for by law.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of General Sessions of the Peace, for the county of Essex, at their session, to be holden by adjournment at Ipswich, in said county, on the fourth Tuesday of June, of this present year, one thousand eight hundred and six, be, and hereby are empowered and authorized to grant licenses to such persons as may be duly approbated for innholders or retailers agreeably to law, which licenses shall continue and be in force until the second Tuesday of October, in the year of our Lord one thousand eight hundred and seven, any law usage, or custom, to the contrary notwithstanding.

[This act passed *June 19, 1806.*]

CHAP. III.

An act in addition to an act, entitled "an act for incorporating certain interval Lands, belonging to certain inhabitants of Springfield and West-Springfield, lying on the west side of Connecticut river, and on both sides Agawam river, into a common field;" passed on the twenty-seventh day of June, in the year of our Lord one thousand seven hundred and eighty-two.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line of said common field be so varied, as to exclude from said common field the land lying northwardly of the road from Springfield Bridge, on the west side of Connecticut River, to Agawam Bridge; and that the line of said common field begin on the west side of Connecticut River,

Boundaries

River, on the south side of said Springfield Bridge, thence running westwardly, the south side of the new county road, till it strikes the old county road, thence the south side of said old road, as lately altered by a county committee, to the northeast corner of Aribet Leonard's land, near Agawam Bridge, thence by the line of said field, as described in the act to which this is in addition; *Provided* that nothing in this act shall be so construed as to affect the rights of the towns of Springfield or West-Springfield, to the taxation of the lands hereby excluded from said common field.

[This act passed June 19, 1806.]

CHAP. IV.

An act to change the name of the town of Partridgefield, in the county of Berkshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the date of this act, the name of the said town of Partridgefield shall cease, and the said town shall be henceforth called and known by the name of Peru, any law to the contrary notwithstanding.

[This act passed June 19, 1806.]

CHAP. V.

An act establishing the Salaries of the Justices of the Supreme Judicial Court.

Preamble.

WHEREAS, the Constitution requires that permanent and honorable Salaries should be established by law, for the Justices of the Supreme Judicial Court of this Commonwealth:—

Salaries established.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of January next, the Salary of the Chief Justice of said Supreme Judicial Court shall be the sum of *two thousand five hundred dollars*, and of the other Justices thereof, the sum of *two thousand four hundred dollars*, respectively, for every year during their continuance in office; and said Salaries shall be paid to said Justices quarterly, out of the Treasury of this Commonwealth;

monwealth ; the first quarter commencing with said first day of January aforesaid.

SECT. 2. *Be it further enacted*, That from and after the first day of January aforesaid, all laws heretofore made, establishing the Salaries of the Justices aforesaid, be, and they are hereby repealed. Laws repealed.

[This act passed June 20, 1806.]

CHAP. VI.

An act to incorporate Samuel H. Flagg and others, by the name of the Proprietors of Prison-Point Dam Corporation.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel H. Flagg, and all others, who have, or shall hereafter become interested with him, in the enterprise of building a Dam from Prison-Point, in Charlestown, to Lechmere's-Point, in Cambridge, and erecting Mills on the same, be, and they hereby are incorporated and made a body politic, by the name of The Proprietors of Prison-Point Dam Corporation ; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution ; and the said corporation may make and establish such rules and regulations as shall be necessary or convenient for the government of said corporation, and effecting the purposes hereinafter mentioned ; *Provided* the same are not repugnant to the laws of this Commonwealth. Proprietors incorporated.

SECT. 2. *Be it further enacted*, That the said proprietors be, and they are hereby authorized and empowered to build and make a Dam, not exceeding sixty nor less than fifty feet wide, from the wharf of this Commonwealth, at Prison-Point, aforesaid, to Lechmere's-Point, aforesaid, and erect water mills in such number, and of such descriptions, and for such purposes as they shall find most for their interest ; and maintain and keep up the same forever : *Provided nevertheless*, that the corporation shall always keep in good repair one or more grist mills on said dam or waters, and the said dam shall be fenced with suitable railing at the sides thereof, and well lighted with lamps, at the distance of not more than one hundred and fifty feet from each other, and that nothing in this act shall be so construed as to prevent any person or corporation, who shall be injured in his, her or their property, by the erecting of said dam, from maintaining Proprietors may build a dam.

Provided.

Dam to be railed and lighted.

taining an action against said corporation, to recover a compensation for any damages which he, she or they may sustain by means of said dam.

Proprietors to
make a dam &
wharf.

SECT. 3. *Be it further enacted*, That the said proprietors shall be holden to make in said dam one lock of twenty-seven feet wide in the clear, and of sufficient width for vessels of two hundred tons burthen to pass and repass through the same; and there shall also be erected a wharf above and below said dam, adjoining said locks; and that five cents a ton shall be allowed and paid by the said corporation, for detention of all sea vessels of more than forty tons burthen, which shall pass with freight through said locks either way; but no consideration shall be paid for vessels without freight; which lock shall be in that part of the channel between the said points, in which there is the greatest depth of water, and where it will be most convenient for vessels to pass and repass; and whenever they are requested by any person or persons, who wish to pass with his or their vessel or vessels, shall open said lock, at any time when there is sufficient water for said vessel or boat to pass the lock; and in case said proprietors shall unreasonably neglect or refuse to open said lock, as aforesaid, they shall forfeit and pay to the person or persons so requesting the same to be opened, double the amount of the damage, which such person or persons shall sustain, by means of said proprietors neglecting and refusing to open said lock, as aforesaid.

To build and
keep in repair a
lock for the use
of the proprie-
tors of Middle-
sex Canal.

SECT. 4 *Be it further enacted*, That the said proprietors shall be holden to build and make, and keep in repair, forever, for the accommodation of the proprietors of the Middlesex Canal, a lock, with all the accommodations for the passing and repassing of boats and rafts which are embraced by the lock built by the proprietors of said canal, at their mills in said Charlestown, which lock shall forever be subject to the control and management of the proprietors of said canal; and in case the said proprietors of Prison-point Corporation shall unreasonably neglect or refuse to build, make and keep in repair a lock of the description aforesaid, in the dam aforesaid, for the accommodation of the proprietors of said canal, it shall be lawful for the same proprietors to build, make and keep in repair such lock, and sue for and recover of the proprietors first mentioned, double the amount of the expenses necessarily incurred in making said lock, and keeping the same in repair: *Provided always*, that the Commonwealth reserve the right to alter this section in such manner as the public good may require.

Proviso.

SECT. 5. *Be it further enacted,* That the proprietors of the said Prison-Point Dam shall be holden to erect for the proprietors of the Middlesex Canal, below the Dam aforesaid, mills equal in power and value with those in said Charlestown, now owned by the proprietors of said canal, of such description and in such situation as, in the judgment of the directors of said canal corporation, shall best accommodate the proprietors of said canal: *Provided,* the proprietors of said canal make no demand upon the proprietors of said dam, for the injury which may be done to the mills aforesaid, which they now own in said Charlestown, by means of erecting the dam aforesaid.

Proprietors to erect a mill.

Proviso.

SECT. 6. *Be it further enacted,* That the proprietors of said dam, in erecting the same, and in building the lock aforesaid, shall not unnecessarily impede or interrupt the navigation of said canal, and if the proprietors aforesaid erect said dam before they shall have completed the locks of the description aforesaid, and thereby obstruct the navigation of said canal, it shall be lawful for the proprietors of said canal to open a passage way through said dam, of such size as the navigation of said canal may require.

SECT. 7. *Be it further enacted,* That the proprietors of said canal shall have a right to secure their boats and vessels, employed in doing business in said canal, and rafts passing on the same, by making them fast to the dam aforesaid, and by mooring them within or without said dam, and in order to facilitate the passing and repassing through said dam, with vessels, boats and rafts, it shall be lawful for the proprietors of said canal to erect one wharf within, and one without said dam. And the proprietors of said canal shall have a right to require, on reasonable notice to the proprietors of said dam, that the waters which may be above said dam shall be drawn off for a reasonable time, so that the proprietors of said canal may secure any goods or timber which may be sunk by accident, or repairing the locks in said dam and canal: *Provided however,* the Middlesex Canal Corporation shall so secure their timber, rafts and boats, as not to injure private property, or to destroy or injure the inside of said dam, and if they shall cause any such damage, they shall pay such individuals, and the Prison-Point dam Corporation, the full amount of all such damage.

Proprietors of Middlesex Canal may erect a wharf on each side the dam.

Proviso.

SECT. 8. *Be it further enacted,* That the proprietors of said dam may purchase and hold any land over which they may make said dam, and which may be necessary for the accommodation of the mills which may be erected on said

Proprietors to hold lands necessary for their commodiation.

dam, and the said corporation shall be holden to pay all damages which shall arise to any person by taking his land for said dam, and the mills which may be erected thereon, where it cannot be obtained by voluntary agreement, to be estimated by a committee to be appointed by the Court of Common Pleas, in the county of Middlesex, saving to either party a right to trial by Jury, according to the laws which make provision for the recovery of damages happening by laying out public highways; *Provided always*, that this act shall be of no avail or effect, and that the privileges and authorities herein and hereby vested shall never be exercised by the persons herein named, or by any other person or persons, until a release and discharge of all the covenants of warranty made by this Commonwealth of any of the lands conveyed by said Commonwealth, lying at or near Lechmere's Point mentioned in this act, shall be obtained from the person or persons, who are legally authorized to make such release and discharge, on such terms as may be agreed on by His Excellency the Governor, by and with the advice of Council, who is hereby authorized to adjust and settle the same in such manner as shall be equitable and right, and advantageous to the Commonwealth, with the person or persons who may be authorized to grant a release and discharge of all the covenants by which this Commonwealth may be supposed to be bound, either in law or equity, to warrant and defend the said lands conveyed and granted by said Commonwealth, as lands formerly belonging to Richard Lechmere, Esq. and which lie in the neighbourhood of Lechmere's Point.

[This act passed *June 21, 1806.*]

CHAP. VII.

An act in addition to an act, entitled, "An act incorporating certain persons by the name and style of the Middlesex Turnpike Corporation, for the purpose of making a turnpike road from Tyngsbury Meeting House, to a point in Bedford, and from thence two branches, one to Cambridge and the other to Medford."

WHEREAS the directors of said Middlesex Turnpike Corporation have petitioned this Court, setting forth that many important advantages would be obtained to said corporation, and the public, by altering the present circuitous

corporation liable for damages.

wise.

amble.

cuitous route from said point in Bedford, to Buicket Bridge in Tyngsbury, so far as to enable them to make said road from said point in Bedford, to said Buicket Bridge, in nearly a straight line :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Middlesex Turnpike Corporation be, and hereby are authorized, so far to vary and alter the course of said road, as to enable them to make the same in the nearest practicable route from said point in Bedford, crossing Nutting's Pond, to said Buicket Bridge in Tyngsbury.

SECT. 2. *Be it further enacted,* That the aforefaid Corporation shall pay for all labor which has been performed, and all damages which have been sustained before the passing of this act, in the town of Chelmsford, by order of the directors, in making the road according to the route or directions pointed out in the act to which this is an addition.

Proprietors to pay damages.

[This Act passed June 23, 1806.]

CHAP. VIII.

An act to authorize Ebenezer Thayer, of Quincy, and others, to build a Dam across Quincy town river, so called.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Thayer, of Quincy, in the county of Norfolk, his successors, and all such others as may be associated with him, be, and hereby are empowered, to build a dam across Quincy town river, so called, for the purposes of erecting a mill or mills on the same, above James Brackett's landing, and near said Thayer's upper wharf.

E. Thayer and associates empowered.

SECT. 2. *Be it further enacted,* That said Thayer and his associates, shall pay all damages that may arise to the owners of any land that may be flowed in consequence of said dam, to be ascertained in the same manner that damages for flowage are by law.

—to pay damages.

SECT. 3. *Be it further enacted,* That said dam shall be so constructed as to prevent any person or cattle from passing over the same, and that the passage way at the flood gates shall be at least twelve feet wide.

SECT. 4. *Be it further enacted,* That whenever any two of the owners of the meadow above said dam, whose meadow may be flowed in consequence of said dam, shall give said Thayer or his heirs or assigns, one day's notice, that they wish said flood gates to be opened, for the purpose of cutting the grass on said meadow, the same shall be opened for two days immediately after said notice, once in each year.

[This act passed June 23, 1806.]

CHAP. IX.

An act to incorporate a number of the inhabitants of the town of Sanford, in the county of York, into a Religious Society by the name of The Baptist Society in Sanford.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Thompson, Solomon Thompson, Ebenezer Linscott, Elisha Allen, Eleazer Chadbourn, Thomas Woster, William Woster, John Thompson, Mark Prime, Ephraim Gatchel, Joseph Chaney, John Hanson, Thomas Kceler, Shelder Hobbs, Zebulon Beals, Ebenezer Reading, Gideon Dearing, Jonathan Witham, John Quint, Moses Plumer, Moses Chick, Timothy Boston, Joshua Hanson, James Chadbourn, Stephen Hobbs, Samuel Quint, Nathaniel Quint, Joseph Quint, Joseph Ricker, Ephraim Low, Abraham Morison, William Starby, Thomas Willard, James Muny, Samuel Ricker, John Paul, Richard Plumer, Nathan Powers, Nathaniel Moor, Jotham Stearns, Timothy Langdon, Thomas Parsons, John Goodwin, Daniel Bean, Benjamin Libby, Napthali Harmon, Ebenezer Gane, Nathan Hatch, Joseph Butler, Joseph Welkerson, Samuel Chadbourn, Benjamin Chadbourn, John Moore, jun. William Gowen, Moses Pugsley, Rook Stillings, Isaac Channard, Phineas Thompson, Jotham Webber, and Joshua Tibbet, with their families and estates, be, and they are hereby incorporated into a Religious Society by the name of The Baptist Society in Sanford, with all the powers, privileges, and immunities to which parishes are entitled by the Constitution and Laws of this Commonwealth. *Provided,* that all such persons shall be holden to pay their proportion of all monies assessed in the said town of Sanford for parochial purposes prior to the passing this act.

SECT.

SECT. 2. *Be it further enacted,* That any person belonging to the said town of Sanford, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with the said society, and give in his or her name to the clerk of the town or parish to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforefaid Baptist society, fourteen days previous to the town or parish meeting therein to be held in the month of March or April, shall from and after giving such certificate, with his or her polls and estates, be considered part of said society.

How to join this society.

SECT. 3. *Be it further enacted,* That if any member of said Baptist society, shall at any time hereafter see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, shall lodge a certificate of such his or her intention with the clerk or minister of said Baptist society, and also with the clerk of the town or parish in which he or she may reside, fourteen days at least before the annual town or parish meeting, to be held therein in the month of March or April, and shall pay his or her proportion of all the monies assessed on said society previous thereto, such person shall from and after giving in such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist society.

How to leave this society.

SECT. 4. *Be it further enacted,* That any justice of the peace in the county of York, is hereby authorized to issue his warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of March or April annually.

How the first meeting is to be called.

[This act passed *June 23, 1806.*]

CHAP. X.

An act to authorize the owners of lots of land adjoining on Accushnett River, in the town of New Bedford, in the county of Bristol, from Clark's Point, so called, to the head of navigation in said river, to build and extend wharves beyond low water mark in said river.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the owners and proprietors of lots of land adjoining Accushnett River, in the town of New-Bedford, in the county of Bristol, between Clark's Point, so called, and the head of navigation in said river, their heirs and assigns, shall be, and hereby are authorized and empowered to erect, continue and maintain, wharves parallel with the line of their several lots, as they abut upon said river; said wharves to extend to the channel of said river, if the owners of said lots think proper; and each owner of said lot shall have authority to provide docks, or erect wharves, as aforesaid on the aforesaid extended portion of his said lot, in such way and manner as he may think proper, not exceeding the limits of said channel of said river.

Proprietors may erect wharves.

SECT. 2. *And be it further enacted,* That if at any time hereafter, it shall be made to appear to the satisfaction of the General Court of the Commonwealth of Massachusetts, that the erection, maintaining, or continuing said wharves or docks, mentioned in the first section of this act, operates any obstruction to the navigation of said river, or to the right of taking shell or other fish, in said river, in that case the said General Court shall have a right, notwithstanding this act, to make such provisions respecting the navigation of said river, and the right of taking said fish, as they may think the public interest requires.

Power of General Court.

[This act passed June 23, 1806.]

CHAP. XI.

An act to establish a Corporation by the name of the Stoughton Turnpike Corporation.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Leonard, and Lemuel Gay, together with such persons as have, or may hereafter associate with them

Persons incorporated.

them and their successors and assigns, shall be a Corporation by the name of The Stoughton Turnpike Corporation, for the purpose of making a turnpike road from near the dwelling house of John Tucker, in Canton, to near the meeting house in Stoughton, and from thence to terminate in the Taunton and South Boston Turnpike, in such place to the northward of the dwelling house of Joshua Gilmore, of Easton, as the proprietors may think expedient: and for this purpose, shall have all the powers and privileges and be subject to all the duties, requirements and penalties contained in an act entitled "An act defining the general powers and duties of turnpike corporations," passed the fifteenth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 2. *Be it further enacted*, That the said Corporation shall be entitled to one gate with the usual toll, or two gates with one half the usual toll at each gate; and when that part of the road from John Tucker's to Stoughton meeting house shall be completed and accepted by the Court's committee, they shall then have liberty to erect a gate thereon, and demand and receive one half the usual rates of toll. Toll gates.

SECT. 3. *Be it further enacted*, That any person who shall travel on any part of said turnpike road, not made on an old road, and shall turn off from said turnpike road, with an intent to avoid passing the next gate, shall be liable to pay, and the said Corporation shall be entitled to demand and receive, the same rate of toll for his carriage, team, sleigh, horses or cattle, as he would be liable to pay if he actually passed such gate.

[This Act passed June 23, 1806.]

CHAP. XII.

An act to establish the Taunton and South Boston Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Gillmore, Joshua Gillmore, Samuel Bass, Esq. and William P. Whiting, while they remain proprietors, and all such as are or may hereafter become proprietors, and their associates, successors, and assigns, be, and they hereby are constituted a Corporation, by the name of The Proprietors incorporated.
Taunton

Taunton and South Boston Turnpike Corporation, with all the powers, privileges, and advantages, and under all the restrictions, and liable to all the penalties which are expressed in an act passed March the sixteenth, one thousand eight hundred and five, defining the general powers and duties of Turnpike Corporations; for the purpose of laying out, making and keeping in repair a turnpike road from Taunton Green, so called, in the county of Bristol, nearly on a straight line, to the cross way over the great Cedar Swamp, so called, and from thence over said cross way near to the house of Joshua Gillmore in Easton, and from thence through the towns of Bridgewater and Stoughton, the most direct and convenient route to the Blue Hill Turnpike, where a locating committee, with the consent of said corporation, may lay out the same.

Toll gates.

Proviso.

SECT. 2. *And be it further enacted*, That when said road is completed, and so certified by the committees to be appointed according to law, said Corporation shall be authorized to erect two whole toll or half toll gates to the same amount, on said road, in such places as they may find most expedient; *Provided*, that there shall not be more than one whole toll, or two half toll gates south of a point one mile north of the house of Joshua Gillmore in Easton; *provided also*, that whenever one half of said road is completed, and so certified by said committees, said Corporation shall be authorized to erect one whole toll, or two half toll gates on the same.

Corporation may hold estate.

SECT. 3. *Be it further enacted*, That said Corporation may purchase and hold real estate adjacent to, and for the accommodation of said road to any amount not exceeding fifteen thousand dollars.

SECT. 4. *Be it further enacted*, That said Corporation are hereby authorized to grant monies to such persons as rendered service to the proprietors in exploring said route, and otherwise previous to this act of incorporation.

[This act passed June 24, 1806.]

CHAP. XIII.

An act to alter the names of certain persons therein mentioned.

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

same, That from and after the passing of this act, William Hunt, of Boston, otherwise called William Chamberlain Hunt, be allowed to take the name of William Hunt Chamberlain; any thing in the act passed the 14th day of March last, and entitled, "An act to alter the names of certain persons therein mentioned," to the contrary, notwithstanding; that Samuel Williams, of Boston, in the county of Suffolk, merchant, son of Gideon Williams, of Taunton, in the county of Bristol, be allowed to take the name of Samuel Gideon Williams; that Thomas Legate, the third, of Leominster, in the county of Worcester, be allowed to take the name of Thomas Charles Legate; that Robert Cunningham, a minor, and grandson of David Murray, of the town of New-Castle, in the county of Lincoln, be allowed to take the name of Robert Murray; that Edmund Jewett, of Shirley, in the county of Middlesex, be allowed to take the name of Edmund Morrill Jewett. And each of the persons before named, shall in future, be respectively known and called by the names which they are severally allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This act passed *June 24, 1806.*]

CHAP. XIV.

An act to determine the time of holding the Courts of Common Pleas, and Courts of General Sessions of the Peace, within and for the county of Oxford.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act there shall be two terms of the Court of Common Pleas, and Court of General Sessions of the Peace, to be holden at Paris, within and for the county of Oxford, one on the second Tuesday of May, and the other on the fourth Tuesday of September, annually.

Courts to be holden.

SECT. 2. *Be it further enacted*, That all writs, processes, recognizances and other matters and things, returnable or continued to the Court of General Sessions of the Peace, and Court of Common Pleas, by law to be holden at Paris, within and for the county of Oxford, on the second Tuesday of October next, shall be returned to, continued and

Time of Term altered.

have day in Court, to be holden on the fourth Tuesday of September next.

SECT. 3. *Be it further enacted*, That all laws heretofore made and passed, fixing and establishing the times and places of holding the Court of Common Pleas, and the Court of General Sessions of the Peace, within and for said county of Oxford, be, and the same hereby are repealed.

[This act passed June 24, 1806.]

Laws repealed.

CHAP. XV.

An act amendatory of the acts to regulate the Manufacture of Nails.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That hereafter the inspector of Nails, or either of his deputies, shall receive for every cask of Nails inspected according to law, *Fifty cents*, and no more; to be paid and charged in the manner already provided by law.

[This act passed June 24, 1806.]

CHAP. XVI.

An act in addition to an act, entitled, An act for incorporating the proprietors of the Boston Pier, otherwise called the Long Wharf, in the town of Boston.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of Boston Pier, or Long Wharf so called, in the town of Boston, be, and they are hereby declared capable in law, in their corporate name and capacity, to purchase, and to have, hold and enjoy, and possess, the land or flats on which the Island Wharf, so called, near to said Long Wharf, has been erected, together with any and all such lands, tenements and hereditaments, and the rents, profits and benefits thereof, as the same proprietors shall judge necessary or expedient for the improvement of said wharf, and for widening the passages thereto: *Provided*, that such lands, tenements and hereditaments, at the time of the purchase, shall not exceed, in value, the sum of fifty thousand dollars, and shall not extend more than one hundred and fifty feet northerly or southerly of the present

Proprietors may hold land.

Proviso.

north

north and south lines of State-Street, or of the said Boston Pier.

SECT. 2. *And be it further enacted*, That at the next annual meeting of said Proprietors, or at any previous meeting, notified by their clerk, according to their existing regulations, the said proprietors, or a competent majority, formed according to the provisions of their act of incorporation, shall or may agree on a method of calling future meetings; and at the same, or any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating said wharf and appurtenances, and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding three dollars. Their power.

[This act passed June 24, 1806.]

CHAP. XVII.

An act to render valid the doings of Charles Folger, Deputy Sheriff within and for the county of Nantucket.

WHEREAS, divers writs and precepts have been served and executed by Charles Folger, Deputy Sheriff within and for the county of Nantucket, since the resignation of John Gardner, Esq. late Sheriff of the county of Nantucket, and before the appointment and qualification of his successor in office; Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all writs and precepts served and executed by the said Charles Folger, Deputy Sheriff under the said John Gardner, Esq. Sheriff, within and for said county of Nantucket, from and after the first day of March last past, and until the fourteenth day of the present month of June, shall be considered as duly and legally served and executed; and the same are hereby rendered legal and valid, in every respect, so far as relates to the service or execution of said writs or precepts: *Provided* the same have been legally and duly executed in every other respect but what relates to the resignation of the said John Gardner, Esq.

[This act passed June 24, 1806.]

CHAP. XVIII.

An act to remit a part of a sentence passed by the Senate of this Commonwealth against John Vinal, of Boston, in the county of Suffolk, upon an impeachment by the House of Representatives, on the twenty-sixth day of ~~January~~^{February}, in the year of our Lord, one thousand eight hundred.

WHEREAS, John Vinal has represented to the Legislature the great affliction and distress suffered by himself and family, under a sentence of the Senate of this Commonwealth, passed on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred. And the said John Vinal, having since the passing of the said sentence, conducted himself as a good citizen :

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said sentence, and no more, as declares the said John Vinal disqualified from holding any office of honor, trust, or profit under the government of this Commonwealth, be, and it is hereby remitted. And the said John Vinal is hereby restored to all the rights and privileges of a citizen as though the sentence aforesaid had never been passed.

[This act passed June 24, 1806.]

CHAP. XIX.

An act to provide for the Inspection of Hops for exportation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next ensuing, Hops shall not be shipped or exported from this Commonwealth, except they are of the quality hereinafter mentioned, and have been duly inspected and marked agreeably to the provisions of this act; and that the Hops, so inspected, shall be in square bags or pockets, each bag to contain four hundred weight, and each pocket two hundred weight of merchantable Hops, as near as may be.*

SECT. 2. *Be it further enacted, That Hops shall not be deemed merchantable, unless they have been well picked, are free from stems and leaves, and dried on a kiln, with charcoal fire; and the bags or pockets in which they are packed, shall be made sufficiently strong to preserve the*

Hops

Preamble.

Sentence re-
mitted.

Hops may be ex-
ported condi-
tionally.

Their quality to
be merchantable.

Hops from damage, and of such a texture as will fairly receive the marks of the cultivator and inspector; and the bags or pockets shall be marked with the name of the cultivator, and the town in which he lives.

SECT. 3. *Be it further enacted,* That there shall be an inspector of Hops for this Commonwealth, who shall be appointed by the Governor with advice of Council; who shall be removable at pleasure, who shall give bond, with sufficient sureties, to the treasurer of this Commonwealth, in the penal sum of three thousand dollars, for the faithful discharge of his duty, and shall be sworn faithfully to perform the same; and such inspector shall have power to appoint deputy inspectors; who shall be removable by him at pleasure, for whose conduct he shall be answerable; and from whom he may require sufficient bonds for the faithful discharge of their duty.

SECT. 4. *Be it further enacted,* That it shall be the duty of the inspector, or one of his deputies, to examine the contents of every bag or pocket of Hops, intended to be exported, in such manner as to ascertain the quality of such Hops, and if found merchantable, as before prescribed; and that they are firmly packed, and have been so packed at least ten days previous to said examination; and that the bags or pockets are such as have been before prescribed; he shall distinguish the same, by marking them in legible characters, with the words *first sort*, or *second sort*, or *refuse*, as their quality may be; he shall add thereto the date of the year of which, in his opinion, they are the growth, together with the initials of his (the Inspector's) christian, and the whole of his surname, and the letters *Mafs.* (for *Massachusetts*) for which inspecting, marking, weighing, and delivering an attested schedule of the same, he shall receive at the rate of ten cents for every hundred pounds weight so inspected, to be paid to him by the purchaser, exclusive of the charges of repacking and mending the bags or pockets, when necessary, which shall be paid by the vender of the Hops; and exclusive also of storage, should said Hops be stored by said inspector more than thirty days after being inspected.

SECT. 5. *Be it further enacted,* That no Hops shall be exported from this Commonwealth, unless the master or owner of the vessel, in which such Hops are shipped, shall produce to the collector, or other officer, authorized by the laws of the United States to clear out vessels, a certificate of the inspector or one of his deputies, for which he shall be allowed

allowed to charge twenty five cents, to be paid by the shipper, that the same has been duly inspected, marked and weighed, agreeably to the directions of this act; which certificate shall express the number of bags or pockets of each sort of Hops, with the weight of each bag or pocket; and the master or owner of every vessel, in which Hops are so exported, shall, on producing such certificate, take and subscribe the following oath, viz.—“ I do swear, that, according to the best of my knowledge and belief, the certificate hereunto annexed contains the whole quantity of hops on board the _____, of which _____ is master, and that there are no hops on board said vessel, for the use of the ship's company, on freight or on cargo, but what have been inspected and marked, according to the law of this Commonwealth—So help me God.”

Penalties. SECT. 6. *Be it further enacted,* That if an inspector of Hops, on application made to him to examine any Hops, shall unnecessarily neglect or delay to examine, mark and weigh them, the inspector, so neglecting or delaying, shall for each offence, forfeit and pay the sum of five dollars.

SECT. 7. *Be it further enacted,* That if any person shall counterfeit or alter any mark belonging to, or proper to be used by the inspector of Hops, his deputy or deputies; or shall mark any bag or pocket of Hops with any letters or marks aforesaid, he shall forfeit the Hops so marked, and for each offence, the sum of ten dollars.

SECT. 8. *Be it further enacted,* That if any person shall empty any bag or pocket of Hops, marked as by this act is required, and put in any other Hops, for sale or exportation, without first cutting out said marks, the person or persons so offending, shall, for each offence, forfeit the sum of five dollars.

Fees. SECT. 9. *Be it further enacted,* That the inspector of Hops shall be entitled to receive from his deputies one fifth part of all the fees said deputies may receive in the execution of this act.

Penalty. SECT. 10. *Be it further enacted,* That if the inspector of Hops, or any of his deputies, shall be guilty of any fraud in inspecting Hops, contrary to the true intent and meaning of this act, or shall put their marks on any bag, pocket or package of Hops, which have not been actually examined, inspected and found merchantable, he or they shall forfeit and pay twenty dollars for each and every bag, pocket or package so falsely marked.

SECT. 11. *Be it further enacted*, That if any person shall intermix, take out, or shift any Hops from any bag or pocket, inspected and marked as by this act is required, or shall put in any other Hops for sale or exportation, contrary to the true intention of this act, the person or persons so offending, shall forfeit and pay twenty dollars for every such offence.

SECT. 12. *Be it further enacted*, That all penalties and forfeitures, arising in virtue of this act, shall be recoverable by action of debt on information in any court proper to try the same, one moiety to the use of the town wherein the offence shall be committed, the other moiety to him who shall sue for the same.

Penalties how disposed of.

SECT. 13. *Be it further enacted*, That if any person or persons shall export or ship for exportation out of this Commonwealth, any Hops not inspected and marked as by this act is directed, every such exporter or shipper, and the master of every vessel, having on board such uninspected Hops, shall, on conviction, respectively forfeit and pay the sums following: the owner or exporter shall pay the sum of twenty dollars; the master of every vessel having the same on board, the sum of ten dollars, for every bag or pocket exported or shipped for exportation. And it shall be lawful for the inspector or any of his deputies, on information given of any Hops being put on board any vessel as aforesaid, not inspected and marked as required by this act, to issue a warrant directed to the Sheriff or his deputy, or to a constable, requiring them respectively to make a seizure of any such Hops, not inspected and marked as aforesaid, and to secure the same in order for trial; and said officers are hereby respectively required and empowered to execute the same; and it shall be the duty of any person, when requested, to give the necessary aid for that purpose, on pain of forfeiting five dollars for his refusal. *Provided always*, that nothing in this act contained, shall be so construed to affect any Hops shipped coastwise to Boston or elsewhere, within this State, for the purpose of being inspected and marked as aforesaid, in which case a certificate from the owner shall accompany the same so shipped coastwise for the purpose aforesaid, setting forth the owner's name, the number of bags, pockets, or packages, and the name of the inspector, to whom they are sent for inspection.

Penalties for exporting hops before inspected.

Hops may be seized.

Proviso.

[This Act passed June 24, 1806.]

CHAP. XX.

An act in addition to an act, entitled, "An act to establish Day's Academy," passed March 13, 1806.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all those persons who now are, or hereafter may be, the deacons of the first Congregational Society in the town of Wrentham, in the county of Norfolk, shall, together with such other persons as are named in the first section of the said act, be the Trustees of said Academy; and they shall have all the rights, powers and privileges, which the Board of Trustees, constituted by said act, have by virtue thereof.

Trustees.

[This act passed June 24, 1806.]

CHAP. XXI.

An act to cede to the United States, the Jurisdiction of certain lands for the erection of light houses.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Agent of the United States, duly authorized for the purpose, may purchase such tract or tracts of land, as may be found necessary and convenient for the erection and accommodation of the light houses, authorized by Congress to be erected, at or near the entrance of Chatham harbour, on Cape-Cod, containing about twelve acres; and a description thereof, shall be recorded in the Registry of Deeds for the county of Barnstable, *Provided however*, That this Commonwealth shall, and doth hereby retain, a concurrent jurisdiction with the United States, in and over the same twelve acres, so far that all civil and criminal processes issued under the authority or by any officers of this Commonwealth, shall have full force and effect within the said tract or tracts of land, or in any buildings, which may be erected thereon, this cession of jurisdiction notwithstanding.

Agent authorized to purchase lands

Proviso.

SECT. 2. *Be it further enacted*, That the jurisdiction of a quantity of land not exceeding twelve acres, and the right of this Commonwealth therein, be and hereby is granted to the United States, to be located on an island called Franklin Island, near the mouth of George's River, in this Commonwealth,

Lands granted.

monwealth, as shall be most suitable and convenient for the erection, and accommodation of a light house on said Franklin Island; which quantity of land shall be laid out, at the time of erecting said light house, and a description thereof, in writing, shall be recorded in the Registry of Deeds for the county of Lincoln. *Provided always*, that this Commonwealth shall and doth hereby reserve to itself a concurrent jurisdiction in and over the land hereby ceded, in the fullest manner, as is provided in the first section of this act. *And provided also*, That if the said United States, shall at any time hereafter, make any compensation, to any of the United States, for any cession, made for the like purposes of this grant, similar compensation shall be required of the United States, for the present grant according to its value.

[This act passed June 24, 1806.]

CHAP. XXII.

An act to set off Clement Sumner, and his estate from the first to the third parish in Roxbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Clement Sumner with his estate, consisting of about twenty-two acres of land, and a dwelling house thereon, in the town of Roxbury, for himself, his heirs and assigns, be, and hereby is separated from the first, and annexed to the third parish in said Roxbury.

[This Act passed June 24, 1806.]

CHAP. XXIII.

An act in addition to an act, entitled "An act to establish The Twelfth Massachusetts Turnpike Corporation."

WHEREAS the penalty provided by the fourth section of an act entitled "an act to establish The Twelfth Massachusetts Turnpike Corporation," has been found insufficient for the purpose intended, and for the protection of the property of said Corporation:

SECT. 1. *BE* it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person, from and after the passing of this act, shall pull down and destroy, or wantonly

Persons injuring the road, &c.

ly and maliciously deface or injure, any gate which is, or may be by law established on said Turnpike, or shall throw down or destroy any part of the wall erected for securing gravel on the same, or shall pull down, destroy, or deface any railing erected thereon for the safety and security of travellers, or shall pull down, destroy or deface, any sign, expressing the rates of toll, granted by law to said Corporation, or shall pull down, destroy or deface any guide board or mile stone, erected on said Turnpike, such person shall forfeit and pay a fine not exceeding *one hundred dollars*, nor less than *fifty dollars*, for each and every such offence; to be recovered in an action of trespass, by the treasurer of said Corporation, for the use thereof.

Penalty.

Owners of land not to make another road.

SECT. 2. *Be it further enacted*, That if any person, through whose land said Turnpike may pass, shall suffer a road to be kept open, or any new road to be made on his land, running in the same direction with the Turnpike, within forty rods of any gate erected on the same, so as to admit persons, other than the owner of said land to pass said gate, with intent to evade the toll, such person shall forfeit and pay a fine not exceeding *one hundred dollars*, nor less than *fifty dollars*, to be recovered by the treasurer as aforesaid, for the use of said Corporation, in an action of trespass on the case.

Jus. C. Pleas, to fix the place for the gate.

SECT. 3. *And be it further enacted*, That the Justices of the Court of Common Pleas within and for the county of Berkshire, or any two of them, are hereby authorized to fix, determine and establish, the place where the gate that is now placed at the foot of Molasses Hill, on said Turnpike, shall hereafter be placed, fixed and established; and whenever said justices have so fixed and established said gate, they shall cause their said determination respecting the place where said gate is to be fixed, placed and established, to be recorded by the clerk of said Court of Common Pleas at the next term of said Court, after such determination by them had as aforesaid; *provided however*, that said justices shall give notice in such way and manner as they may think proper, to all persons interested in the location and establishing of said gate, of the time and place of their meeting for the purpose of determining on the fixing, locating and placing of said gate; to the intent that all persons interested may have an opportunity to appear before them, and be heard relative to said location and placing of said gate.

Proviso.

SECT. 4. *Be it further enacted*, That if any person with his or her horse, cattle, team, or carriage, shall go round any gate

gate established on said Turnpike, with intent to evade the toll, such person shall forfeit and pay a fine of five dollars, to be recovered as aforesaid by the treasurer, in an action of trespass on the case, for the use of the Corporation. Penalty for evading toll.

SECT. 5. *Be it further enacted,* That from and after the passing of this act, the rates of toll to be demanded and received at each of the gates of the said Corporation, shall be equal, and the same at both of said gates, and shall be the same as are fixed in the additional act establishing the said Corporation; Rates of toll. excepting in the following articles, viz. each sled or sleigh drawn by two horses or oxen, shall in future pay only four cents; and all waggons or carts drawn by two horses or oxen, shall in future pay six cents only at the *west gate*; and all horses, mules, or cattle, led or driven, shall pay one cent each; any thing in the before mentioned acts, to which this is an addition, to the contrary notwithstanding.

[This act passed *June 24, 1806.*]

CHAP. XXIV.

An act to incorporate a number of the inhabitants of the town of Arundel, in the county of York, into a Religious Society, by the name of The Baptist Society in Arundel.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Merrill, Pelatiah Greenough, James Blunt, Joshua Elliot, Abner Huff, Daniel Bickford, Josiah Hutchins, jun. Robert Patten, John Goodwin, James Patten, Forest Burnham, Benjamin Thompson, jun. Shibuel Boston, John Mitchell, Isaac Burnham, Andrew Staples, James Thompson, Stephen Thompson James Tarbox, John Tarbox, Nathan Walker, Samuel Smith, Nathan Thompson, Thomas Durrell, Nathaniel Currier, Nahum Tarbox, Lemuel Tarbox, Samuel Ham, John Walker, Samuel Fairfield, Israel Whitten, Jedediah Dorman, Andrew Walker, Timothy Hanskom, George Goodwin, Obed Merrill, Jeremiah Smith, George Bickford, Jacob Merrill, Samuel Merrill, John Merrill, Andrew Miller, Samuel Colman, Enoch T. Colman, Daniel Town, Edward Nason, and James Adams, with their families and estates, be, and they are hereby incorporated into a Religious Society, by the name of The Baptist Society in Arundel, with all the powers, privileges, and immunities. Persons incorporated.

nities to which parishes are entitled by the constitution and laws of this Commonwealth: *Provided* that all such persons shall be holden to pay their proportion of all monies assessed in said town of Arundel for parochial purposes, prior to the passing of this act.

Qualification necessary to become a member.

SECT. 2. *Be it further enacted*, That any person belonging to said town of Arundel, and being of the Baptist denomination who may at any time hereafter actually become a member of, and unite in religious worship with the said society, and give in his or her name to the clerk of the town or parish to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society, fourteen days previous to the town or parish meeting therein, to be held in the month of March or April, shall, from and after giving in such certificate, with his or her polls and estates, be considered as a part of said society.

In case of leaving the society.

SECT. 3. *Be it further enacted*, That if any member of said Baptist society shall, at any time hereafter, see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention with the clerk or minister of said Baptist society, and also with the town or parish clerk in which he or she may reside, fourteen days at least, before the town or parish meeting to be held therein in the month of March or April, and shall pay his or her proportion of all money assessed on said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist society.

Justice authorized to issue warrants.

SECT. 4. *Be it further enacted*, That any justice of the peace in the said county of York, is hereby authorized to issue his warrant, directed to some suitable member of said Baptist society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose, in the month of March or April annually.

[This Act passed *June 24; 1806.*]

CHAP. XXV.

Act act to incorporate sundry persons by the name of *The Truro Pond Harbor Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jason Ayres, Caleb U. Grozer, and others their associates, together with their successors and assigns, be, and they are hereby created a body politic and corporate, by the name of *The Truro Pond Harbor Corporation,* and by that name may sue and be sued, plead and be impleaded, pursue and be pursued to final judgment and execution in any court of record proper to try any matter which may be in controversy, and may have a common seal, and may exercise and enjoy all the rights and powers which are by law incident to similar corporations, for the purpose of opening a passage from the sea into a certain pond and quagmire, lying on the western side of said town, near the sea, and of clearing out said pond and quagmire so as to make the same a competent and convenient harbor, for the admission and security of vessels, with the right to hold the same pond and quagmire, together with all the lands surrounding the same to the distance of four rods therefrom, to them and their successors forever. And the said Corporation shall have power to make and put in execution, such bye-laws and regulations as to them shall seem fit for the government of said Corporation and the prudent management of their affairs; *provided* the said bye-laws be not repugnant to the constitution and laws of this Commonwealth: And said Corporation shall always be subject to the rules and regulations herein prescribed.

Persons incor-
porated.

Their powers.

Proviso.

SECT. 2. *Be it further enacted,* That the said Corporation may purchase and hold any other lands or flats which may impede the prosecution of said undertaking, and shall be under obligation to pay to the owners or proprietors of said pond or quagmire, and to any other person or persons whose lands or flats may be taken as aforesaid, or whose right may be impaired by the privileges and rights hereby granted to said Corporation, such damages as may be sustained by the taking of said pond, quagmire, lands and flats, to be estimated as in cases of turnpike roads, where the same cannot be done by voluntary agreement.

May take
property, making
compensation.

SECT. 3. *Be it further enacted,* That it shall be at all times the duty of said Corporation to keep the said Pond Harbor

Duties obligated

Harbor in a sufficient state of repair for the reception and safe lodgment of vessels; and to construct on the shores thereof, and keep in sufficient repair, convenient wharves for the loading and delivery of cargoes to and from said vessels. And when said harbor and wharves shall be prepared and constructed as aforesaid, the said Corporation shall be entitled to demand and receive from each vessel entering said Pond Harbor, the following rates of toll, viz:

For every vessel under twenty tons burthen, lying at a wharf in said harbor, *thirty cents* per day, otherwise *twenty cents*, per week; for every vessel of twenty tons burthen, and more, and not exceeding fifty tons, lying at a wharf, *fifty cents* per day, otherwise, *thirty cents* per week; for every vessel of fifty tons burthen, and upwards, lying at a wharf, *one dollar* per day, otherwise *fifty cents* per week; for every boat entering said harbor, *eight cents*; besides the same rates for all articles received or landed by such boat, as is established for wharfage of articles received or discharged by other vessels. And said Corporation shall be entitled to demand and receive the following rates of wharfage: For every bag of coffee, pimento, or sugar, *two cents*; for every bale of cotton, and every bag of hops, *ten cents*; for every chest, crate, case, trunk, box and package, *twelve and a half cents*; for every barrel *four cents*; for every cask of nails, *four cents*; for every thousand of boards, staves or hoops, *twenty-five cents*; for every box of sugar, *seven cents*; for every box of chocalate, candles, soap or glass, *two cents*; for every thousand of brick, *twenty-five cents*; for every thousand of clapboards, *twenty cents*; for every quintal of green salt fish *one cent*; for every quintal of dry salt fish *two cents*; for every bushel of grain, *one cent*; for every half barrel and firkin, *two cents*; for every keg, *one cent*; for every bundle of hay, *ten cents*; for every hoghead or pipe, *ten cents*; for every ton of iron, cordage or timber, *thirty cents*; for every thousand of laths, *six and one quarter cents*; for every ton of stones, *twenty cents*; for every hundred feet of timber, *ten cents*; for every bolt of duck, *one cent*; for every hoghead of salt, *six and a quarter cents*; for every thousand of shingles, *six and one quarter cents*; for every tierce, *seven cents*; for every cord of wood or bark, *twelve and a half cents*; for every hundred of posts or rails, *twelve and a half cents*; for every hundred weight of beef, pork or cheese, *two cents*; for every bushel of apples, turnips or potatoes, *one cent*; for every empty cask, half the rates before-mentioned; for all other articles not herein enumerated, such reasonable rates

of wharfage, (not exceeding one per cent. on the value of the property) as said Corporation may agree upon; saving that the said Corporation shall at no time have a right to demand any wharfage for green unsalted fish. And the wharfage of all goods landed from said harbor, shall be paid by the person landing the same, except the wharfage of wood and lumber, which shall be paid by the purchaser thereof; and the wharfage of all articles taken on board any vessel in said harbor, shall be paid by such vessels, or the person shipping the same.

SECT. 4. *Be it further enacted,* That no shark, dog-fish, or offal of other fish, shall be left or thrown into said harbor, or near to the mouth thereof, so as to be floated thereinto by the tide, on penalty for each offence of not more than thirty dollars, nor less than three dollars, according to the aggravation of the offence; to be recovered before any court proper to try the same, by the treasurer of said Corporation, in an action of the case; one half of which penalty shall be to the use of said Corporation, and the other half to the poor of said town: And no person shall throw any ballast, or other matter or thing, into the said harbor, or the entrance thereof, on pain of forfeiting *ten dollars* for each ton of ballast, or other matter or thing, thrown in as aforesaid; to be recovered to the use of the said Corporation, by the treasurer thereof, in an action of the case before any court proper to try the same.

Harbor to be kept clear.

SECT. 5. *Be it further enacted,* That if said Corporation, or any person in their employ, shall unreasonably delay, or refuse to receive, any boat or vessel into said harbor; or shall demand and receive more toll or dockage than is by this act allowed, the said Corporation shall forfeit and pay to the party aggrieved a sum not exceeding five hundred dollars, nor less than ten dollars, to be recovered by action of the case in any court proper to try the same. And in all cases, the leaving of an attested copy of a writ against said Corporation, with the clerk or treasurer thereof, shall be deemed a proper service of such writ, and said clerk or treasurer, or any member of said Corporation shall be allowed to defend any suit instituted against the same without any special authority therefrom.

Corporation subjected to penalties in cases.

SECT. 6. *Be it further enacted,* That the stock or property of said Corporation, shall be held by the proprietors thereof, in shares not exceeding one hundred and fifty, and shall be numbered in progressive order, beginning at number one. And every original holder of any such share, shall receive

Manner of holding stock.

receive a certificate under the seal of said Corporation, signed by the treasurer and clerk thereof, certifying his property in the share in such certificate mentioned.

Meetings to be
appointed for
regulating their
concerns.

SECT. 7. *Be it further enacted,* That Jason Ayres be, and he is hereby authorized, to call the first meeting of said proprietors, by posting a notification thereof at the front door of the north meeting-house in said town, seven days, at least, before the time appointed for holding said meeting: At which meeting said proprietors may choose a President, Directors, Clerk, Treasurer, and Dockmaster, and such other officers as they may think proper for regulating their concerns; and in such meeting may also agree upon a method of calling future meetings. And said elections, and all others made by said Corporation, and all other questions which may at any time come before them, shall be determined by a majority of votes, reckoning one vote to each share; provided that no one person shall be entitled to more than ten votes. And shares in said Corporation shall be taken, deemed and considered personal property, to all intents and purposes whatever; and shall and may be transferable, and the mode of transferring the same shall be by deed, acknowledged before any justice of the peace, and recorded by the clerk of said Corporation in a book to be kept for that purpose; and the said shares shall be liable to attachment and execution.

SECT. 8. *Be it further enacted,* That if said Corporation shall neglect, for the space of five years, to complete the said Pond Harbor, and provide wharves therein as aforesaid, this act shall then become null and void.

[This act passed June 24, 1806.]

{END OF JUNE SESSION, 1806.}

LAWS

PASSED AT THE SESSION COMMENCED ON THE
SEVENTH OF JANUARY, 1806.

ELECTIONS.

June 24, An. 1806.

CHAP. XXVI.

An act, in addition to the several acts regulating Elections.*

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall hereafter be the duty of the selectmen, and of the town or district clerks, in the several towns or districts within this Commonwealth, and of the assessors of plantations, which are entitled by the Constitution to the privilege of voting for Governor and Lieutenant Governor, and for Senators and Counsellors for their respective districts, to make and seal up a separate list of the persons voted for as Governor and Lieutenant Governor, in the several towns, districts or plantations, and transmit the same to the Secretary of the Commonwealth, or to the Sheriffs of their respective counties, according to the provisions of the Constitution. And when the said lists shall be received at the office of the secretary, the seals thereof shall not be broken; but the same shall be safely kept entire, as they were received, until delivered by him to the two branches of the General Court, at the commencement of their next session, to be by them examined agreeably to the Constitution.

Duty of Selectmen, Clerks and Assessors, respecting persons voted for as Governor and Lt. Gov.

Secretary to preserve the seals entire.

SECT. 2. *Be it further enacted,* That it shall further be the duty of the several selectmen, clerks and assessors, aforesaid, to make and seal up a separate list of the persons voted for as Counsellors and Senators, in the several towns, districts and plantations, and transmit the same to the Secretary of the Commonwealth, or to the Sheriffs of their respective

Duty of Selectmen, &c. respecting Counsellors and Senators

* This act was returned by the Governor with objections; but was passed by the Legislature notwithstanding.

pective counties, according to the provisions of the Constitution. And when the said lists shall be received at the office of the Secretary, the seals thereof shall not be broken; but the same shall be safely kept entire, as they were received, until delivered by him to the Governor and Council, or to the executive authority of the Commonwealth, for the time being, to be by them examined agreeably to the Constitution.

SECT. 3. *Be it further enacted,* That when the returns of votes from the several towns, districts and plantations, within this Commonwealth, for Representatives in Congress for their several districts, shall be received in the Secretary's office, the seals thereof shall not be broken; but the same shall be safely kept entire, as they were received, until delivered by him to the Governor and Council, or to the executive authority of the Commonwealth, for the time being, to be by them examined agreeably to law.

SECT. 4. *Be it further enacted,* That the selectmen of the several towns and districts, and the assessors of the several unincorporated plantations, as aforesaid, shall hereafter, before entering on the execution of their respective offices, take an oath, or if they have conscientious scruples, an affirmation, according to law, before some justice of the peace, or the clerk of the town, district, or plantation, whereof they are selectmen or assessors, faithfully and impartially to discharge the duties of their office respecting all elections, and the returns thereof; and a certificate of said oath or affirmation shall be recorded in the records of such town, district, or plantation accordingly.

[This act passed June 24, 1806.]

CHAP. XXVII.

An act to rectify and establish the line between the towns of Chesterville and Farmington, in the county of Kennebeck.

WHEREAS, in the act incorporating the town of Chesterville, a mistake was made in one of the lines, which it was then intended to be adopted:

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line between the towns of Chesterville and Farmington

seals to remain unbroken until delivered to authority.

Duty of Secretary, respecting returns of votes for Representatives & Congress.

Selectmen and Assessors to be sworn.

Preamble.

ington shall hereafter be as follows, viz. Beginning at the confluence of the stream called the Little Norridgewock with Wilson's Stream, and down said stream to its confluence with the stream called Sandy River. And the said line between the towns or Chefterville and Farmington, shall always be considered, held, and taken to be a line drawn on the middle of said Wilson's Stream, by the courses it runs, from its confluence with the waters of the Little Norridgewock, to the confluence of its waters with those of Sandy River.

Boundaries.

[This act passed February 3, 1807.]

CHAP. XXVIII.

An act, in addition to an act, entitled "An act to regulate the catching Salmon, Shad and Alewives, and to prevent obstructions in Merrimack River, and in the other rivers and streams running into the same, within this Commonwealth, and for repealing several acts heretofore made for that purpose.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so long as any mill or mills, or mill dam, shall stand and be kept and maintained across Beaver-brook, in the town of Dracut, at the place where the mills of Joshua Bradley now stand; the owner or occupant of such mill or mills, and mill dams, shall be required and held to keep open a passage or sluice way for the fish to pass up and down through the same, which shall not be less than six feet wide; and the waters therein, not less than six inches deep; and the owner, or occupant of such mill and dam, shall be holden to keep the said passage or sluice way below the dam in good repair.

Obligations required of owners and occupants of mills.

SECT. 2. *Be it further enacted,* That so long as the owner, or occupant of such mill or mills as aforesaid, shall cause to be made and kept in good repair, and left open such passage or sluice way, through such dam or dams, of the dimensions and depth of water aforesaid, such proprietor or occupant shall not be subject to any prosecution under or by virtue of the act, to which this is an addition, nor to any forfeiture or penalty therein contained.

Fulfilling conditions—not liable to prosecution

SECT. 3. *And be it further enacted,* That this act shall continue and be in force for the term of three years from the passing thereof, and no longer.

[This act passed Feb. 3, 1807.]

CHAP. XXIX.

An act in addition to an act, entitled "An act, describing the duty and power of Coroners," and for repealing an act passed the seventh day of March, eighteen hundred and six.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every Coroner, within the county for which he is appointed, shall, after the return of an inquisition of the Jury, upon the view of a dead body of any stranger, bury said body in a decent manner; and the expenses thereof, together with all the expenses of said inquisition and the Coroner's fees, shall be paid to said Coroner out of the Treasury of this Commonwealth, an account of said expenses being first examined and allowed by the General Court, in the same manner that accounts for State paupers are allowed. *Provided,* the Coroners who shall return the inquisition, shall certify under oath, that the person found dead, was a stranger, not belonging to this Commonwealth, according to the best of his knowledge and belief; otherwise, the expenses of taking up and burial, shall be paid to such Coroner, by the town where such dead body was found, and repaid to them by the town to which said stranger belonged, if an inhabitant of this Commonwealth; and the expenses of said inquisition shall be paid to the Coroner, by the county in which the inquisition shall be taken.

SECT. 2. *And be it further enacted,* That an act, in addition to an act, entitled, "An act, describing the duty and power of Coroners," passed the seventh day of March, one thousand eight hundred and six, be and is hereby repealed.

[This act passed Feb. 6, 1807.]

CHAP. XXX.

An act to authorize John Wood to build a Mill Dam, with a passage way, across Aponeganset River, in the town of Dartmouth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That under the direction of the Selectmen of the town of Dartmouth, for the time being, John Wood, of the said town, is hereby authorized to build a Grist Mill, and for that purpose to erect a Mill Dam across Aponeganset River, in the said town of Dartmouth, with a sufficient passage, or sluice way, for the passing of such vessels, boats, or rafts, as may go up said river, free from any expense to the passengers or their vessels. And the said passage way shall be at least twenty-two feet wide, and the place, and the manner of building the same, and the times and circumstances of passing the same, shall at all times be regulated and directed by the Selectmen of the said town of Dartmouth. And upon the refusal or neglect of said John Wood, his heirs or assigns, to open the flood gates, when requested and when practicable, he shall forfeit and pay to the person making the request, for each offence, the sum of two dollars, to be recovered before any justice of the peace for the said county of Bristol. *Provided always*, that nothing in this act shall be construed to prevent owners of meadow or marsh land, which may be flowed in consequence of said Dam, from recovering the damage sustained thereby.

John Wood authorized to build a mill, &c.

Passage way.

Penalty in case of neglect.

Proviso.

And provided also, That a passage way, to and from the Ship Yard of the said John Wood, to the great road, shall always remain free for the use of the inhabitants of said town.

[This act passed February 6, 1807.]

CHAP. XXXI.

An act to annex a part of a tract of land, commonly called The Oxford South Gore, with the inhabitants and estates thereon, to the town of Oxford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Cudworth, Craft Davis, Ezekiel Davis, David

DAY'S ACADEMY

David Fitts, Abijah Harris, Joseph Kingsbury, Ephraim Kingsbury, Samuel Kingsbury, Jeremiah Kingsbury, jun. John Learned, John Learned the 3d, living on, or being owners, of a tract of land lying between the towns of Dudley, Douglas, and Oxford, commonly called The Oxford South Gore, together with James Wallis, of Dudley, and all other the inhabitants living on, or owning lands, in that part of said Gore, hereby set off, with their families and estates, although not particularly named in this act, and without the line of the town of Oxford, as the same is described by the following bounds, be, and hereby are annexed to, and made a part of the said town of Oxford, viz. Beginning at the line, at the southeast corner, between Dudley and Oxford, and running north, thirty-four degrees west, three hundred and twelve rods; thence east, eight degrees north, two hundred and ten rods; thence north, eight degrees and twenty minutes west, two hundred and thirty-two rods; thence east, eighteen degrees north, three hundred and eighty-eight rods; thence south, two degrees and forty minutes west, one hundred and thirteen rods; thence west, two degrees and forty-five minutes north, eighty-five rods; thence south, twenty-one degrees and forty-five minutes west, four hundred and thirty rods; thence south, eight degrees and twenty minutes east, eighty-nine rods, to the corner first mentioned.

[This act passed February 6, 1807.]

CHAP. XXXII.

An act, in addition to the acts already made, for establishing and regulating Day's Academy in Wrentham.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the trustees of Day's Academy, be, and they hereby are authorized and empowered to enter into any engagements, and to make any contracts, which they may judge proper to effect the purposes of the said corporation.

SECT. 2. *Be it further enacted,* That the said trustees be and they hereby are empowered, to have and to hold any lands, monies or other property, heretofore given, or which shall hereafter be given, granted, devised or bequeathed to the said trustees and their successors, in trust, for the use of the said Academy; on such terms and under such conditions and

ersons and estates annexed to the town of Oxford.

boundary.

Trustees authorized.

Empowered to hold property bequeathed to the Academy.

and provisions as may be expressed in any deed or instrument of bequest or conveyance, made to them: *Provided*, Proviso the amount do not exceed the sum specified in a former act.

[This act passed *February 6, 1807.*]

CHAP. XXXIII.

An act, to prevent the destruction of the fish called Shad and Alewives, in their passage up' and down the river and other streams in the town of Orrington, in the county of Hancock, and for regulating the taking and disposing of said fish.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the said town of Orrington, at their annual meeting in March or April, be and are hereby authorized and empowered to choose a committee of five or more persons, to see that the laws respecting the passage-ways for said fish be observed; and each person so chosen, shall take an oath faithfully to discharge the duties required of him by law; and said committee shall oversee the taking of said fish, in said town, and shall distribute the fish taken by them or under their direction, as equally as circumstances will admit, to such of the inhabitants of said town, and others, as may apply for the same; and for the fish so supplied and delivered, the committee aforesaid shall demand and receive of the person or persons receiving said fish, payment therefor, at such rate or rates, as the inhabitants of said town, at their annual meeting in March or April, may direct; excepting of such poor persons as may be named in a list, to be annually made out by the Selectmen of said town, and who, in the opinion of the Selectmen, are unable to pay for the same; which list shall be given to the committee, and the persons borne on the same, shall be supplied with such quantities of said fish, gratis, as the committee may think expedient; and the committee aforesaid may have such allowance for their services, as the inhabitants of said town, at the time of appointing said committee shall determine; and shall annually, in the month of September next, following their appointment, exhibit to the Selectmen of said town, their accounts for settlement, and allowance, and pay the balance remaining in their hands, if any there be, to the treasurer of said town of Orrington, for the town's use.

Inhabitants authorized.

Committee to be sworn.

—Their duty.

Committee to be compensated.

SECT.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said committee, or the major part of them, be, and are hereby authorized and empowered to open any dam, or sluice of any mill or other water works erected, or that may be erected on said river, or across any of the streams in said town, at the expense of the owner or owners of such dam or sluice, *provided,* such owner or owners shall neglect to open the same, when thereto requested by said committee, or the major part of them, as aforesaid; and the said committee shall also have full powers to remove any other obstruction that may be made to the free passage of said fish, in the river and streams into the several ponds; and for their repassing from said ponds into the sea. And the said committee, or either of them, going, or passing on or across the land of any person for any of the aforementioned purposes, shall not be deemed or held to be trespassers; and any dam, or sluice, or passage-way that may be opened as aforesaid, shall continue open to such a depth and width, and for such length of time, as shall be necessary for the passing or repassing of the said fish as aforesaid; and if any person or persons shall obstruct the passage-way, allowed or ordered by said committee, or the major part of them, in any dam or sluice-way, or shall obstruct the passage of them in the river, or any of the streams of said town, such person or persons so offending, shall forfeit and pay a sum not exceeding *One Hundred Dollars,* nor less than *Twenty Dollars.*

Penalty in case of obstructions.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons, other than said committee, or such person or persons, as shall be by them employed, under lease or contract, as the case may be, shall take any of the said fish in the river, or any part of any of the streams in the said town, at any time, or by any ways or means whatsoever; each person, or persons, so offending, shall forfeit and pay a sum, not exceeding *Twenty-five Dollars,* nor less than *Ten Dollars* for every such offence.

Persons prohibited from taking fish.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the town of Orrington, at their meeting in March or April, annually, shall appoint particular places in said river, and in each stream in said town, where said fish may be taken; and the committee chosen as aforesaid, shall appoint four days in each week, from the first day of April annually, to the first day of July, when said fish shall be taken; and shall set up notifications in two public places in said town, of the time and places of taking said fish; and

Times appointed for taking fish.

said committee shall have power to let or farm out to the highest bidder any of said fishing places in said town, (excepting those owned and held as private property, in case there should be any such) to be under the direction of said committee, as aforesaid.

SECT. 5. *And be it further enacted, by the authority aforesaid,* That all penalties incurred by the breach of this act, may be sued for and recovered by the Treasurer of said town of Orrington, for the time being, in any court in the county of Hancock, proper to try the same; and all sums so recovered, shall be appropriated to the use of said town of Orrington. And in case any minor or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid, in all such cases the parent, master or guardian of such minor or minors, shall be answerable therefor; and in case of a prosecution of such minor or minors, for any such offence, the action shall be commenced against the parent, master, or guardian of such minor or minors, respectively; and judgment be rendered, against any parent, master, or guardian, in such case, in the same manner as for his or their personal offence; and no person, by reason of being an inhabitant of said town, or one of said committee, shall be thereby disqualified from being a witness in any prosecution for the breach of this act.

[This act passed February 6, 1807.]

CHAP. XXXIV.

An act in addition to an act, entitled "An act establishing the times and places of holding the Courts of Common Pleas and General Sessions of the Peace, in the County of York."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing this act, the term of the Court of Common Pleas, by the act to which this is in addition, established and appointed to be held at Biddeford, in said County, on the first Monday of January, annually, shall be held at Alfred, in said County, on the said first Monday of January, annually; any thing in the act to which this is in addition, to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That all actions, suits, appeals, plaints, bills, informations, recognizances, and things whatsoever,

Treasurer authorized to execute.

Place for holding Court Common Pleas.

whatsoever, now pending by continuance, appeal, or otherwise; or which may be hereafter commenced, to be heard and tried at the Court of Common Pleas, to be holden at Biddeford aforesaid, on the said first Monday of January, shall be continued to, have day in, acted upon, heard and tried at the Court of Common Pleas, appointed by this act, to be held at Alfred aforesaid.

[This act passed February 7, 1807.]

CHAP. XXXV.

An act to incorporate William Widgery and others, into a Company, by the name of the United Marine and Fire Insurance Company, in Portland.

Persons incorporated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Widgery, John Muffley, Thomas Webster, Josiah Cox, Albert Newhall, William Chadwick, Nathan Kinsman, and Elijah Elder, together with such persons as have already, or hereafter may become Stockholders in said Company, being citizens of the United States, be, and hereby are incorporated into a company, or body politic, by the name of the United Marine and Fire Insurance Company of Portland, for the term of twenty years from the passing of this act; and by that name may sue, and be sued; plead, or be impleaded; appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey, any Estate, real or personal, for the use of said company, subject to the restrictions herein after mentioned.

Empowered a body politic.

SECT. 2. *Be it further enacted*, That the Capital Stock of said company, exclusive of premium, notes and profits arising from said business, shall consist of *one hundred thousand dollars*, and shall be divided into shares of *one hundred dollars* each, of which Capital Stock *twenty thousand dollars* only, shall be invested in real estate.

Amount of capital.

SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of said company, shall be managed and conducted by seven directors, one of whom shall be the president thereof, who shall hold their offices for one year, and until others are chosen, and no longer; which directors shall, at the time of their being elected, be stockholders.

Directors to be annually chosen.

holders and citizens of this Commonwealth, and shall be elected on the first Tuesday in April in each and every year, at such times of the day, and at such places in the town of Portland, as a majority of the directors for the time being shall appoint; of which election public notice shall be given, by posting up notice thereof in two public places in said town, and advertising the same fourteen days, immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors; and the election of the directors shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided*, that no stockholder shall be entitled to more than twenty votes, and the stockholders not present may vote by proxy, under such regulations as the said company shall prescribe; and, if in case of any unavoidable accident, the said directors shall not be chosen on the first Tuesday in April, it shall be lawful to choose them on another day, in manner herein prescribed.

Elected by
ballot.

Proviso.

SECT. 4. *Be it further enacted*, That the directors so chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside, and be sworn faithfully to discharge the duties of his office; and in case of death, resignation or inability to serve, either of the President or any of the directors, such vacancy shall be filled for the remainder of the year in which it may happen by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Choice of Presi-
dent.

SECT. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors in the absence of the President, shall be a board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance; and shall also have power to appoint a Secretary, and so many clerks and servants for carrying on the business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet; *provided*, that such by-laws, rules
and

Number to con-
stitute a quorum

—Powers.

and regulations, shall not be repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the Directors, at least once in every month, and as often in each month as the President and Board of Directors shall deem proper; and the President, and a committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of Directors, and the committee aforesaid, at and during the pleasure of said board, shall have power and authority on behalf of the company, to make all kinds of marine insurance, against fire, insurance on lives, and on inland transportation of goods, wares and merchandize; and generally to transact and perform all the business relating to the objects aforesaid; and to fix the premium and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two Directors of said company, and countersigned by the Secretary, and shall be binding and obligatory on the said company; and the assured may maintain an action upon the case against the said company, and all cases duly arising under any policy so subscribed, may be adjusted and settled by the President and Directors, and the same shall be binding on the company.

SECT. 7. *Be it further enacted,* That it shall be the duty of the Directors, on the first Tuesday of July and January, in every year, to make dividend of so much of the interest arising from the capital stock, and the profits of the said company, as to them shall appear advisable; but the monies received, and the notes taken for premiums, on risks which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as part of the profits of the company; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, each proprietor or stockholder's estate shall be holden accountable for the deficiency that may be due on his share, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other modes, and at such time or times as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital; and that once in every year, and oftener, if required by a majority of votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and partic-

nes for stated
1 other meet-

urther powers.

Dividend.

Estates account-
able in case of loss-
es.

ular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 8. *Be it further enacted*, That the said company shall not directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandize, or commodities whatsoever; and the capital stock of said company, shall, within six months after being collected, at each instalment, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said company, or of any committee which the proprietors shall appoint for that purpose.

Appropriation
capital stock.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in said company, shall be paid within four months after the first meeting of said company; and the remaining sums due on each share, within one year afterwards, at such equal instalments, and under such penalties, as the said companies shall direct; and no transfer of any share in said company shall be valid until all the instalments on such share shall have been paid.

Assessments to
made.

SECT. 10. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of said company, and the President or Directors after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place, under policies thus subscribed.

Estates liable in
certain cases.

SECT. 11. *Be it further enacted*, That the President and Directors of said company, shall, previous to their subscribing to any policy, and once in every year after, publish, in the public newspapers, the amount of their stock, and against what risks they mean to insure, and the largest sum they mean to take on any risk; *provided nevertheless*, that the said President and Directors, shall not be allowed to take more on any one risk, than ten per centum of the amount of the capital stock of said corporation actually paid in.

Further duty of
Directors.

SECT. 12. *Be it further enacted*, That Elias Thomas, Joshua Richardson, and Josiah Cox, or any two of them, are hereby authorized to call a meeting of the stockholders of said company, as soon as may be, to be holden in Portland, by advertising for two weeks in the Portland newspapers previous to such meeting, for the purpose of electing the first board

Persons author-
ized to call a
meeting.

board of Directors, who shall continue in office until the first Tuesday of April, in the year one thousand eight hundred and eight.

Eligibility of a Director.

SECT. 13. *Be it further enacted*, That no person being a Director in any other company carrying on the business of marine insurance, shall be eligible as a Director of the company by this act established.

To submit to Legislative examination.

SECT. 14. *Be it further enacted, by the authority aforesaid*, That the President and Directors of said company, shall, when, and so often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same, under oath.

[This act passed Feb. 9, 1807.]

CHAP. XXXVI.

An act, in further addition to an act, entitled, "An act to incorporate sundry persons by the name of the President and Directors of the Union Bank."

Directors to be appointed in behalf of the Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be appointed, on behalf of this Commonwealth, six directors of the Union Bank Corporation, who shall be chosen by joint ballot of both Houses of the Legislature; and who shall continue in office until the first Monday in September next; and that there shall in like manner, annually, be appointed six Directors of the said Bank, who shall continue in office one year from the day next preceding the said first Monday in September: *Provided always*, that the Directors to be appointed, in pursuance of this act, shall not be entitled to claim any allowance for any services they may render as Directors of said Bank.

Proviso.

[This act passed February 10, 1807.]

CHAP. XXXVII.

An act, in addition to an act, entitled, "An act to incorporate the President, Directors, and Company of the Boston Bank."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be appointed on behalf of this Commonwealth,

Commonwealth, six Directors of the Boston Bank Corporation, who shall be chosen by joint ballot of both houses of the Legislature, and shall continue in office until the first Monday of June next; and that there shall in like manner, annually be appointed, six Directors of the said Boston Bank, who shall continue in office one year from the day next preceding the said first Monday in June. *Provided always,* that the Directors to be appointed in pursuance of this act, shall not be entitled to claim any allowance, for any services that they may render, as Directors of said Bank.

Directors to be appointed on behalf of the Commonwealth

Proviso.

[This act passed February 10, 1807.]

CHAP. XXXVIII.

An act, in addition to an act, entitled, "An act authorizing the town of Deerfield to loan the interest of certain monies in the Treasury of said town.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town of Deerfield, in their corporate capacity, are hereby authorized and empowered, to sequester and apply, all monies that now are, or hereafter may be in the Treasury of said town, not otherwise appropriated, not exceeding the sum of five hundred dollars, to a fund, already established by the act to which this is in addition, for the support of the ministry in said town; which money, when so sequestered and applied, shall be considered as a part of the fund above mentioned; and shall be proceeded with in the same manner as is already provided in the act to which this is an addition: *Provided,* however, that nothing in this act shall be so construed, as to hinder or deprive any person or persons, who are of a different religious denomination from those to which said fund now belongs, in said town, from drawing his or their just proportion of all monies so to be sequestered and applied, by his or their applying for the same.

Inhabitants empowered to loan money.

Proviso.

[This act passed February 11, 1807.]

CHAP. XXXIX.

An act, to establish a Corporation for the purpose of draining Green's Harbour Marsh, in the town of Marshfield.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Winflow, Luke Wadsworth, Judah Thomas, and Benjamin White, proprietors in Green's Harbour Marsh, in the town of Marshfield, together with their associates, and such others as may hereafter associate with them, and their heirs and successors, shall be a Corporation by the name of Green's Harbour Canal Company, with all the powers and privileges incident to similar Corporations; for the purpose of draining the stagnant water on Green's Harbour Marsh, in the town of Marshfield, and for better improving said Marsh, by erecting dikes or removing bars of sand, rocks, or other obstructions that oppose the draining of said marsh; for digging a canal or canals for said water to pass into Duxbury or Plymouth bay; and building a bridge or bridges across said canal or canals, if the same should intersect any private or public highway; and by the name aforesaid, may sue or be sued, and do and suffer whatever other similar bodies politic may or ought to do and suffer.

SECT. 2. *And be it further enacted,* That any Justice of the Peace in the county of Plymouth, be, and he is hereby empowered and directed, upon application in writing, from every five or more of said Proprietors, to issue his warrant to one of the Proprietors aforesaid, requiring him to notify and warn a meeting of said Proprietors, at such time and place as he shall think most convenient, the purposes to be expressed in said warrant, by posting up copies of said warrant with the notification thereon, at the south meeting-house in the town of Marshfield, seven days at least before the time of holding said meeting; and the said Proprietors when legally assembled as aforesaid, shall have power to choose a clerk, committee or committees, assessors, collector, or collectors of taxes, and treasurer; who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; which officers chosen and sworn as aforesaid, shall have the same power to perform, execute, and carry any vote or order of said Corporation into full effect, as town officers of like description have by law.

Persons incorporated.

Justices empowered to issue warrants.

Election of officers.

law. And said Corporation shall, at their first meeting, agree and determine upon the method of calling future meetings; and each Proprietor shall vote according to the number of shares he holds in said Corporation, *Provided*, no one Proprietor shall be allowed more than five votes; and said Corporation shall at their first meeting, or at any other meeting legally called for that purpose, have power to vote and raise monies for all expenses that have arisen, or may arise in draining the marsh aforesaid, or better improvement of the same, including the making of canals, erecting dikes, removing dams and bars of sand, building a bridge or bridges across said canal, purchasing lands necessary to carry the object of said corporation into effect, as likewise paying the damages individuals may sustain by reason of the erection of the dikes, or digging the canals aforesaid, and all monies voted and raised aforesaid, shall be assessed on each Proprietor in the marsh aforesaid, in proportion to the number of acres, or value thereof, he or she may own in said marsh; and if any proprietor shall neglect or refuse to pay the sum or sums assessed upon him or her as aforesaid, after sixty days' notice, so much of his or her marsh land aforesaid, shall be sold as will be sufficient to pay the same, with legal costs, in the same manner as non-resident proprietors' land, in this Commonwealth, are sold to pay taxes.

SECT. 3. *And be it further enacted*, That said Corporation shall have full power to purchase and hold any real estate not exceeding fifty acres, that may be necessary to carry their designs into effect; and said Corporation shall be holden to pay all damages which shall arise to any person through whose land said canal or canals shall be dug, or on whose land said dikes shall be erected; when it cannot be obtained by voluntary agreement, said damages to be estimated by a committee appointed by the Court of General Sessions of the Peace, in the county of Plymouth, saving to either party a right of trial by Jury, according to the law which makes provision for the recovery of damages happening by the laying out of public highways.

Corporation
empowered to
hold real estate.

[This act passed February 11, 1807.]

CHAP. XL.

An act to incorporate a Baptist Society in Windfor, in the County of Berkshire.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Ammidon, Joshua Beals, Thomas Belknap, Ebenezer Blanchard, Josiah Blanchard, Stephen Blanchard, Jesse Buffey, Amos Bowen, Samuel Chapman, Ezra Chapman, Ezra Chapman, jun. Daniel Chapman, Daniel Chapman, jun. Joseph Dunbar, Samuel Dunham, Cornelius Dunham, Smith Eddy, Jeremiah Erskine, Nathaniel Geer, John Hall, John Harrod, Lyman Kendall, Chester Lamb, Nathaniel Luther, Ezra M'intire, William Moor, Zebulon Packard, Simeon Park, Gideon Pierce, Eber Pierce, John Pierce, William Read, Benjamin Remington, Jabez Spaulding, William Smith, Joseph Talcott, Zadock Thomas, Isaac Tyler, Daniel Tyler, Rufus Wescot, Sylvanus Wentworth, and Shadrach Pierce, together with such others as have, or may hereafter associate with them, and their successors, with their families and estates, be, and they are hereby incorporated into a Society, for Religious purposes only, by the name of the Baptist Society in Windfor, with all the powers and privileges to which other parishes or religious societies are entitled by the Constitution and Laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person in the said town of Windfor, being of the Baptist denomination aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with the said Society, and give in his or her name to the Clerk of the town or parish, to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with the said Baptist Society in Windfor, fifteen days previous to the annual town or parish meeting, shall, from and after the giving such certificate, with his or her polls and estate, be considered as part of said Society. *Provided, however,* that such person shall be held to pay his or her proportion of all money assessed for parochial purposes in the town or parish to which he or she had previously belonged.

SECT. 3. *Be it further enacted,* That if any member of said Baptist Society, shall at any time see cause to leave the same.

Persons incor-
porated.

Members to
obtain a certifi-
cate.

Proviso.

same, and to unite in religious worship with any other religious Society in said town, and shall declare such intention in writing, to the minister or clerk of such religious society fifteen days at least before the annual town or parish meeting, and shall previously pay his or her proportion of all money assessed for parochial purposes therein, such person shall, from and after declaring such intention, with his or her poll and estate, be considered as belonging to the society to which he or she has thus united.

Measures necessary in case of leaving the society.

SECT. 4. *And be it further enacted,* That any Justice of the peace for the county of Berkshire, is hereby authorized, upon application therefor, to issue a warrant, directed to some member of the said Baptist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of all such officers as other parishes or religious societies are by law required to choose at their annual meetings.

Choice of officers.

[This act passed February 11, 1807.]

CHAP. XLI.

An act authorizing the town street School District, in the town of Deerfield, to erect two or more School Houses within said District.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town street School District, in the town of Deerfield, be, and they hereby are, authorized and empowered to raise money for the purpose of erecting and keeping in repair two or more School Houses within said District, in the same manner, and subject to the same restrictions, as the inhabitants of other School Districts are authorized to raise money for the purpose of erecting and keeping in repair one School House, by virtue of an act, entitled, "An act in addition to an act, entitled an act to provide for the instruction of Youth, and for the promotion of good education;" passed February twenty-eighth, in the year of our Lord, one thousand eight hundred.

[This act passed February 11, 1807.]

CHAP. XLII.

An act, to incorporate certain persons by the name of the Proprietors of the Boston Athenæum.

WHEREAS, the persons hereinafter named, together with sundry other persons, their associates, have, at very considerable expense, collected a library, consisting of rare and valuable books; and, whereas the laudable object of their association, is to form, as far as their funds shall from time to time admit, a still more valuable and extensive collection of such rare and valuable works, in ancient and modern languages, as are not usually to be met with in our country, but which are deemed indispensable to those who would perfect themselves in the sciences. And whereas it is the further design of the said associates, when their funds shall admit thereof, to form a museum of natural and artificial curiosities and productions, scientifically arranged; also, an apparatus for the performance of experiments in the various branches of natural philosophy, and for geographical improvements as well as a repository for models of new and useful machines, and of statues, paintings, and other objects of the fine arts, more especially of our native artists; for which important objects no adequate provision has hitherto been made or formed within this Commonwealth, although similar establishments have long since partially existed in many of our sister States:—

SECT. 1. *Therefore, be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Theophilus Parsons, John Davis, John Lowell, William Emerson, John T. Kirkland, Peter Thacher, William S. Shaw, Robert Hallówell Gardner, Joseph S. Buckminster, Obadiah Rich, the present trustees of the said association, together with such other person or persons as shall from time to time be duly admitted members of the said association, according to the rules, orders, and conditions which shall or may from time to time be established by the bye-laws or regulations of the Corporation, herein after created; shall forever hereafter be, and they hereby are created a body politic and corporate, by the name of "The Proprietors of the Boston Athenæum;" and by the said name, shall and may sue and be sued, plead and be impleaded, defend and be defended, in all and any court or courts of law or elsewhere, in all manner of actions, suits, pleas or controversies whatsoever; and in their*

Preamble.

Persons incorporated.

Legally empowered as a body politic.

said corporate capacity, and by their said name, they and their successors shall be capable in law to purchase, receive, have, hold, take, possess and enjoy, in fee simple or otherwise, lands, tenements, rents, and hereditaments, not exceeding in the whole, the yearly value of *Two Thousand Dollars*, exclusive of the building or buildings which may be actually occupied or used for the literary purposes aforesaid; and the said Corporation shall be capable of taking, receiving, and holding, by donation, subscription, bequest or otherwise, money, goods, chattels, effects, and credits, to an amount, the yearly value of which, shall not exceed *Three Thousand Dollars*, so that the estate aforesaid, be appropriated for the purposes aforesaid, and for the promotion of literature, of the arts and sciences, and not otherwise; and moreover, the said Corporation shall have power to give, grant, sell, alien, convey, exchange, or lease, all, or any part of their lands, tenements and other property whatsoever, for the benefit and advantage of said Corporation.

SECT. 2. *Be it further enacted*, That it shall and may be lawful for the said Corporation, to have a Common Seal for their use and benefit, with full power to alter, change and renew it, whenever they shall think the same expedient.

Common Seal.

SECT. 3. *Be it further enacted*, That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the associates or proprietors to convene at such meetings; and they shall have power to elect once in every year, or oftener, from amongst the said proprietors, such officers with such powers as they shall judge expedient; and also further to ordain and enact any bye-laws for the due government of the said Corporation, and for the due and orderly conducting of the affairs thereof; and for, and concerning all matters and things relating to said Corporation, and the same at pleasure to alter, amend, or repeal; *Provided however*, that the powers vested in their said officers and the said bye-laws shall not be repugnant to the Constitution and laws of this Commonwealth.

To determine times of meetings, &c.

SECT. 4. *Be it further enacted*, That, for the giving the more effectual sanction to the said bye-laws, the said proprietors shall have power to impose suitable fines, not exceeding *Five Dollars*, for the non-fulfilment or breach of the same; and that for the recovery thereof, the said Corporation shall have a suitable remedy by action at law, in any court of law within this Commonwealth, proper to try the same,

Impose penalties.

Government to
have access to
the library, &c.

SECT. 5. *Be it further enacted*, That the Governor, the Lieutenant Governor, the Members of the Council, of the Senate and of the House of Representatives, for the time being, shall have free access to the Library, Museum, and Repository of the Fine Arts of the said Corporation, and may visit and consult the same at all times under the same regulations as may be provided by the bye-laws of said Corporation, for the Proprietors thereof.

Charter subject
to alteration.

SECT. 6. *Be it further enacted*, That the Legislature of this Commonwealth, may, from time to time, appoint a committee or committees, to examine the state of the affairs of said Corporation, and the manner in which the same may be administered, and that the said Legislature may at any time alter, amend, or repeal the charter of said Corporation at their pleasure, reserving however, to the proprietors for the time being, their property in the buildings, funds, books, and other property, at such time appertaining to the said Corporation.

Measures in
case of neglect
to pay assess-
ments.

SECT. 7. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, duly imposed upon his share or shares in said Corporation, for the space of sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, after duly notifying in some newspaper printed in the town of Boston, the sum due on such share or shares, and the time and place of sale, at least thirty days before the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and upon producing a certificate of such sale from the treasurer, such purchaser shall be entitled to a transfer of the share or shares so sold, on the books of the Corporation, and shall be considered, to all intents and purposes, the proprietor thereof; and the overplus of such sale, if any there be, after payment of such assessment and incidental charges, shall be paid on demand by such treasurer, to the person whose shares were so sold as is before provided.

Persons author-
ized to call
meetings.

SECT. 8. *Be it further enacted*, That the said Theophilus Parsons, John Davis, John Lowell, William Emerson, John T. Kirkland, Peter Thacher, William S. Shaw, Robert H. Gardner, Joseph S. Buckminster, Obadiah Rich, or any three of them, shall have power to call the first meeting of the said proprietors, by advertising the same three weeks, successively, before the time of such meeting, in some news-

paper printed in the town of Boston, and that at the said meeting the said proprietors may proceed to execute any or all the powers vested in them in this act.

[This act passed February 13, 1807.]

CHAP. XLIII.

An act, determining at what times and place the Court of Common Pleas, and Courts of General Sessions of the Peace, shall be holden within and for the county of Bristol, and for repealing all laws heretofore made for that purpose.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, the times and place for holding the Courts of Common Pleas, within and for the county of Bristol, shall be at Taunton, on the second Monday of June, the second Monday of September, the second Monday of December, and the second Monday of March, annually; and that the Courts of General Sessions of the Peace, shall be holden at said Taunton, within and for the said county, on the second Monday of September, and the second Monday of March, annually.

Times and places for holding courts.

SECT. 2. *Be it further enacted*, That the Grand Jury, for the body of the said county of Bristol, shall be convened and attend those terms of the said Court of Common Pleas, by this act to be holden in the months of September and March, and no other; *Provided, however*, that the said Grand Jury shall be convened and attend at that term of the said Court of Common Pleas, which, according to the provisions of this act, is to be holden on the second Monday of June next.

Grand Jury to convene.

SECT. 3. *Be it further enacted*, That all actions, suits, appeals, complaints, bills, informations, recognizances, and things whatsoever now pending by continuance, appeal, or otherwise, or which may be hereafter commenced, to be heard and tried at the Court of Common Pleas, which, before the passing of this act, was by law to be holden at Taunton, within and for said county, on the Monday next preceding the third Tuesday of April next, shall be continued to, have day in, be acted upon, heard and tried, at the Court of Common Pleas, which, by virtue of the first section of this act,

Actions, &c. continued.

act,

act, is to be holden on the second Monday of June next, and all petitions, and other matters, and things now pending in, or to be commenced at the Court of General Sessions of the Peace, which, before the passing of this act, was to have been holden on the Monday next preceding the third Tuesday of April next, shall be continued to, have day in, be acted upon, heard and determined, at the Court of General Sessions of the Peace, to be holden, by virtue of the first section of this act, on the second Monday of September next.

Repeal.

SECT. 4. *Be it further enacted,* That from and after the first day of April next, all laws heretofore made, determining at what times and place, the Courts of Common Pleas and Courts of General Sessions of the Peace, shall be holden within and for the county of Bristol, be, and they are hereby repealed.

[This act passed Feb. 13, 1807.]

CHAP. XLIV.

An act, to incorporate the Proprietors of the Female Academy, in the town of Pittsfield.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joshua Danforth, Joseph Merrick, and Ezekiel Bacon, together with the persons who now are, or who hereafter shall be proprietors of the building lately erected for the purpose of a Female Academy, in the town of Pittsfield, in the county of Berkshire, and of the land under and adjoining the same, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the Pittsfield Female Academy; and in that name may sue and be sued, and shall be invested with all the powers, privileges and immunities, to which other similar corporations in this Commonwealth are entitled by law; and shall be capable of purchasing and holding estate, real or personal, *provided,* that the annual income of the whole estate of said corporation, beside the building aforesaid, shall not at any time exceed the value of twelve hundred dollars.

Empowered.

Assessments.

SECT. 2. *Be it further enacted,* That the proprietors of said Academy, be, and they hereby are authorized and empowered, to raise, by an assessment on the shares in said corporation,

poration, such sum or sums of money for the keeping and maintaining a school for the instruction of females in useful and elegant accomplishments ; for the support and maintenance of instructors, repairing or enlarging said building, or erecting others for the purposes aforesaid, and defraying other expenses incident thereto, as they shall agree on, at any legal meeting called for that purpose ; and the sums so assessed, shall be paid by the proprietors of said shares ; and if any proprietor shall neglect to pay any assessment which shall be legally made upon his or her share or shares, for the space of sixty days after the same shall have been made, the treasurer of said proprietors shall be authorized and empowered to sell and convey so many of said delinquent's shares in the said corporation, as shall be necessary to pay his or her assessments so remaining unpaid, at public auction, to the highest bidder, first giving notice thereof, fourteen days at least previous to the sale, by posting up notifications thereof, at two public licensed houses in Pittsfield ; and also, by advertising the same two weeks successively, in some newspaper printed in said Pittsfield, the last publication, to be in like manner, at least fourteen days previous to said sale, and upon such sale, to execute a good and sufficient deed or deeds thereof ; and after deducting the amount of said delinquent's assessment and all incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Delinquent's
shares to be sold.

SECT. 3. *Be it further enacted,* That Joshua Danforth, Esq. be, and he hereby is empowered and directed to issue his warrant to some principal member of said corporation, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth ; to choose a moderator and a clerk, who shall be duly sworn ; a treasurer, and such other officers as the proprietors shall judge necessary ; at which meeting, or at any other meeting duly warned and holden, said proprietors may agree upon the mode of warning all future meetings.

Choice of officers.

[This act passed Feb. 13, 1807.]

CHAP. XLV.

An act, regulating the hunting of Deer.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, if

Penalty.

any person shall hunt or kill any Deer, except his own tame Deer, or Deer kept in his park, or on his island, between the first day of January and the first day of August, in any year, he shall forfeit the sum of fourteen dollars for every Deer so killed: to be recovered in any Court proper to try the same; one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the town within which such offence shall be committed.

SECT. 2. *And be it further enacted*, That if any person, from and after the passing of this act, shall, with his hounds or dogs, hunt, chase, or kill any Deer within the county of Barnstable, he shall for every such offence, forfeit and pay the sum of fourteen dollars, to be recovered in manner aforesaid, and to the uses aforesaid.

Act repealed.

SECT. 3. *And be it further enacted*, That the act passed the twenty-third day of June, in the year of our Lord one thousand eight hundred and two, be and hereby is repealed.

[This act passed February 13, 1807.]

CHAP. XLVI.

An act to incorporate a number of inhabitants of the North Parish in the town of Hingham, in the county of Plymouth, into a religious Society, by the name of the third Congregational Society in Hingham.

Preamble.

WHEREAS, a number of the inhabitants of the North Parish of Hingham, have petitioned this Court to be incorporated into a religious society; and it appearing reasonable to this Court that the prayer of their petition should be granted—

Persons incorporated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Thaxter, Benjamin Cushing, Benjamin Lincoln, Thomas Gill, Joseph Blake, Levi Lincoln, Ebed Hearsey, Samuel Norton, Noah Hearsey, Joseph Hammoud, Jairus Leavit, Moses Whiton, Isaiah Cushing, John Barker, Thomas Andrews, Thomas Thaxter, jun. Thomas Loring, William Cushing, Jacob Thaxter, Thomas Thaxter. Abner Lincoln, John Souther, Peter Loring, Ephraim Andrews, Peter Hearsey, David Lane, Benjamin Andrews, Daniel Thaxter, Henry Nye, David Lincoln, jun. John Beal, jun. Levi Lincoln, jun. Samuel Andrews, Caleb Bates, Loring Bailey, Perez Lincoln, Nathaniel Wilder, Peter

ter Hearsey, jun. Edward Thaxter, Jarad Lane, Rachel Loring, Christiana Loring, Sarah Lane, Sufanna Thaxter, Christy Cushing, Sufanna Barker, Susan Barker, Deborah Barker, Sarah Barker, Bethiah Barker, Samuel Norton, jun. Jerusha Howard, Jerom Cushing, Abigail Thaxter, Ruth Loring, Elizabeth Loring, Celia Thaxter, Hannah Thaxter, Elizabeth Thaxter, Quincy Thaxter, Lydia Loring, Abigail Lane, Caleb Thaxter, John Basslet, Ezra Whiton, Nathan Lincoln, Thomas Wilder, jun. David Lincoln, Seth Stoddard, Lydia Stoddard, Nabby Bangs, Warren Burr, Ebenezer Gay, Robert Thaxter, George French, George Barnes, Caleb Rice, John Southier, jun. Martin Lincoln, Benjamin Jones, Samuel Hobert, Ensign Barnes, Joseph Hammond, junior, Canterbury Barnes, John Beal, Mary Cushing, Ezekiel Lincoln, Elijah Whiton, 3d, Nathan Rice, Spiller Fillmore, Laban Folger, Beza Lincoln, Jonathan Lincoln, Afa Lincoln, Ambrose Lathrop, Reuben Stoddard, David Andrews, Silence Cushing, and Starks Whiton, the petitioners, with their polls and estates, now lying within said north parish, and what they shall respectively hold on the first day of May annually, in said parish, shall belong to said Third Religious Society, be, and hereby are incorporated into a religious society, by the name of the Third Congregational Society in Hingham, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted,* That any of the members belonging to the said north parish, or the said Third Congregational Society, desiring to change their relation from one parish to the other, shall have full right and liberty so to do, with their polls and estate, at any time previous to the first day of February, which will be in the year of our Lord one thousand eight hundred and eight; *provided,* they shall signify in writing, under their hands, to the clerks of the said parish and society, their wish and determination to be considered members of said parish or society, and they shall accordingly be recorded as such by the said clerks.

Time of becoming members.

SECT. 3. *Be it further enacted,* That all young persons within the limits of said north parish, when they shall attain the age of twenty-one years, shall have full liberty, at any time within twelve months after they shall attain said age, to join, with their polls and estates as aforesaid, the said parish or society, by signifying in writing their determination

Measures necessary to become members.

tion

tion to the clerks of said parish and society, to which parish or society it is their wish to join.

SECT. 4. *Be it further enacted*, That if any person who may hereafter settle within the limits of said parish, shall be desirous to join the society aforesaid, he shall have full liberty to do it, any time within twelve months from his settlement in the parish, by signifying his determination of the same, in the manner pointed out in the third section of this act.

SECT. 5. *And be it further enacted*, That Samuel Norton, Esq. or any other Justice of the Peace, in the county of Plymouth, be, and he is hereby authorized to issue his warrant directed to some member of the said Third Congregational Society, requiring him to warn the members of the said society, qualified to vote in parish affairs, to assemble at such convenient and suitable time and place as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose in the month of March or April annually, and to transact all other matters and things for the well-being of said society.

[This act passed Feb. 13, 1807.]

CHAP. XLVII.

An act to incorporate an Academy in the town of Farmington, in the county of Kennebeck, by the name of the Farmington Academy.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, an Academy in the town of Farmington, in the county of Kennebeck, by the name of the Farmington Academy, for the purpose of promoting piety and virtue, and for the education of youth, in such languages, and in such of the liberal arts and sciences, as the trustees hereinafter provided shall order and direct.

SECT. 2. *Be it further enacted*, That Mr. Church Brainard, Nathan Cutler, Esq. Mr. Thomas Hiscock, Ezekiel Porter, Esq. Mr. Timothy Smith, Doctor Ebenezer Tayler, Stephen Titcomb, Esq. and Mr. Thomas Wendell, all of Farmington; Benjamin Abbot, Esq. of Temple; Eben. Eaton, Esq. of Wilton; Thomas Fillebrown, Esq. of Hallowell; Doctor Thomas Flint, of New Vineyard; John Hovey,

Justice to issue
his warrant.

Academy estab-
lished.

Persons incor-
porated.

Hovey, Esq. of Mount Vernon ; William Read, Esq. of Strong ; and the Reverend Jotham Sewall, of Chesterville ; all of the said county of Kennebeck, be, and they are hereby appointed trustees of the said Academy ; and they are hereby incorporated into a body politic, by the name of the Trustees of Farmington Academy ; and they and their successors shall be, and continue a body politic and corporate, by the same name, forever.

SECT. 3. *Be it further enacted,* That the number of trustees for the said Academy shall never be more than fifteen nor less than nine, five of whom at least shall be necessary to constitute a quorum for transacting business. And, as often as any one of said trustees shall die or resign, or in the judgment of the major part of the trustees, shall be rendered incapable, by reason of age, infirmity, or otherwise, of discharging the duties of his office, the trustees, then surviving, shall elect one or more persons to fill such vacancy or vacancies. Trustees.

SECT. 4. *Be it further enacted,* That the trustees aforesaid, and their successors, be, and they are hereby made capable in law to take and hold, by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real or personal, which hath heretofore been given or subscribed for the purpose aforesaid : *Provided,* that the annual income of the said real estate shall not exceed the sum of two thousand dollars, and the annual income of the said personal estate shall not exceed the sum of three thousand dollars ; and all deeds and instruments which the said trustees may lawfully make, shall be sealed with their seal, and shall bind the said trustees and their successors, and be valid in law. Authorized.

SECT. 5. *Be it further enacted,* That the said trustees and their successors, shall have one common seal, which they may break, change and renew, from time to time, as they may see cause ; and they may also sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Farmington Academy, and may appoint an agent or agents, to prosecute and defend such suits. Proviso.

SECT. 6. *Be it further enacted,* That the trustees aforesaid, and their successors, be, and they are hereby constituted, the visitors, trustees, and governors of the said Academy, in perpetual succession forever, to be continued in the way and manner herein provided, with full power and authority to elect and appoint such preceptors, teachers, and other Common seal.

Trustees constituted.

other

other officers, and to make and ordain such laws, rules, and orders, as they may from time to time judge necessary and convenient for the good government of the said Academy: *Provided*, they are in no case repugnant to the constitution and laws of this Commonwealth.

SECT. 7. *And be it further enacted*, That either of the justices of the peace, for the county of Kennebeck, be, and he is hereby authorized, to appoint the time and place for holding the first meeting of the said trustees, and shall notify them thereof accordingly.

[This act passed February 13, 1807.]

CHAP. XLVIII.

An act to establish an Academy at Canaan in the county of Kennebeck, by the name of the Canaan Academy.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Seth Currier, Esq. Mr. Josiah Lock, Mr. Judah M^cLellan, Mr. Benjamin Shepard, Mr. Solomon Steward, Eli Weston, Esq. Mr. John Weston, and Mr. Seth Wyman, all of Canaan: Doctor John Lawrence, of Cornville; Rev. Joshua Cushman, of Winflow; Reuben Kidder, Esq. of Waterville; William Jones, Esq. and Daniel Steward, of Norridgwock, all of the county of Kennebeck, and their successors in said office, shall be, and hereby are, made a body corporate, by the name of the Trustees of Canaan Academy.

SECT. 2. *Be it further enacted*, That the Trustees aforesaid, and their successors, be, and they are hereby made capable in law, to receive in trust, and in the behalf of said Academy, to hold, use, and improve, any lands, tenements, or other estate, real or personal, which hath already been given, or subscribed, or which may hereafter be given or subscribed, for the uses and purposes aforesaid, *provided*, that the whole annual income of said real estate shall not exceed the sum of *one thousand dollars*, and the annual income of said personal estate shall not exceed the sum of *three thousand dollars*, and all deeds, or other instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the said Trustees, and be valid in law.

SECT. 3. *Be it further enacted*, That the number of the said Trustees shall never be more than thirteen, nor less than

Provided.

Time of meeting.

Persons incorporated.

Authorized to hold estate.

cor

Number of trustees.

than nine—five of whom, at least, shall be a quorum for doing business; and as often as any one or more of said Trustees shall die or resign, or in the judgment of the major part of the said Trustees, is rendered incapable, by reason of age, infirmity, or otherwise, of discharging the duties of his trust, the Trustees then surviving may supply such vacancy by a new election.

SECT. 4. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall be the visitors and governors of the said Academy, to be continued in the manner provided by this act, with full power and authority to appoint a Preceptor, and such other teachers and officers, as they may from time to time judge necessary for the good government of the said Academy, and also to make and establish such wholesome laws and regulations, with reasonable penalties for the breach thereof, as in their judgment may be requisite and expedient, and such laws and regulations shall be valid and obligatory, *Provided* they be in no case repugnant to the Constitution and Laws of this Commonwealth.

Trustees to make laws.

Provido.

SECT. 5. *Be it further enacted*, That the said corporation of Trustees shall keep a Common Seal, to be used only in the name and behalf of the said Academy, which they shall have power to change or renew, and all deeds or other instruments executed by order of the said corporation, and in their behalf signed, sealed, delivered, and acknowledged by the treasurer and clerk of said corporation, shall be good and valid in law; and the said corporation may sue and be sued, in all actions, real, personal, or mixed; and prosecute and defend the same to final judgment and execution.

Common Seal.

SECT. 6. *Be it further enacted*, That either of the Justices of the Peace, for the County of Kennebeck, upon application therefor, may appoint the time and place for holding the first meeting of the said trustees, and notify them accordingly.

Justices to issue a warrant.

[This act passed *February 13, 1807.*]

CHAP. XLIX.

An act to continue in force an act for regulating the passage way for fish through the dam at the mouth of Stoney Brook, so called, in the town of Chelmsford, in the county of Middlesex.

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

the same, That an act made and passed on the ninth day of March, in the year of our Lord, one thousand eight hundred and four, entitled, "An act in addition to an act, entitled, an act to regulate the catching Salmon, Shad and Alewives, and to prevent obstructions in Merrimack River, and in the other rivers and streams running into the same, within this Commonwealth; and for repealing several acts heretofore made for that purpose," be, and hereby is continued in force for the term of three years from the expiration thereof, any limitation in the same act contained, to the contrary notwithstanding.

[This act passed February 13, 1807.]

CHAP. I.

An act to incorporate the plantation heretofore called Davistown, into a town by the name of Montville.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of *the same*, That the plantation heretofore called Davistown, lying partly in the county of Lincoln partly in the county of Kennebeck, and partly in the county of Hancock, being the second grand division of the twenty associates' lands, and agreeably to the boundaries thereof, together with the inhabitants thereon, be incorporated into a town by the name of Montville, viz. beginning at a hemlock stake, at the southwesterly corner of said second grand division, in the line of the first grand division of said twenty associates' lands, marked 7 M 272 R, and a spruce tree standing near said stake, marked 20 A corner, &c.; thence running north thirty four degrees; east, seven miles two hundred and seventy two rods to a yellow birch tree, marked 20 A E corner, &c.; thence north, thirty four degrees; west, six miles, to a hemlock tree, marked 20 A N corner, &c.; thence on the easterly line of the Plymouth Company claim, as run by E. Bullard; south, twenty-five degrees; west, two miles and two hundred and seventy-six rods to a beech tree, by a large sugar maple, marked =; thence south, thirty-nine degrees; west, four miles and one half a mile to a small beech tree in a thicket, marked; thence south, forty-three degrees; west, one hundred and fifty rods to a stake; thence south, thirty four degrees; east, on the dividing line between the said first and second grand divisions,

Act continued
in force.

Montville in-
corporated.

Boundaries.

fix

six miles, to the bounds first mentioned; and the said town of Montville is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth; and the whole of the said town of Montville, shall be, and hereby is annexed to the county of Lincoln.

SECT. 2. *Be it further enacted,* That any Justice of the Peace, for the said county of Lincoln, is hereby authorized upon application therefor, to issue a warrant directed to some inhabitant of the said town of Montville, requiring him to notify and warn the inhabitants thereof, to meet at such time and place as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose at their annual town meetings.

Justice authorized to issue his warrant.

[This act passed February 18, 1807.]

CHAP. LI.

An act to incorporate a number of the inhabitants of the town of Loudon, and district of Bethlehem, as a religious society, by the name of the United Congregational Society, in Bethlehem and Loudon.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Amos Adams, Samuel Adams, Edmund Bancroft, Joshua Bartlett, Moses Beard, James Brakenridge, Samuel Byington, jun. Isaiah Clark, Timothy Cole, Joseph Fowler, Thaddeus Granger, Thaddeus Granger, 2d, Isaac Hunter, John Hunter, Samuel Hunter, Chauncy Ives, Adonijah Jones, Miles Jones, Beth P. Kingsbury, Joseph Kingsbury, David Manley, Daniel Manley, Shubael Manley, George Manley, John Meril, Nathan Pearl, Richard Pearl, Joshua Shaw, Lucius Smith, Samuel Smith, Daniel Smith, Joel Smith, Justus Smith, Elijah Smith, Elijah Smith, 2d, John Spear, Daniel Sumner, William Sumner, Samuel Underwood, Thomas Ward, Abner Waters, Benjamin Waters, Benoni Webb, Reuben Webb, Jonah Webb, David Webster, and John Webster, all of Bethlehem; and Samuel Baldwin, Abel Barber, Benjamin Barber, Roswell Barber, Elisha Cook, John Cook, Thomas Cook, Jeremiah Daly, John Davison, Thomas Davison, James Dwoolf, Joshua Eames, Ozias Hawley, Phineas Jones, Paul Larcom, John Manning,

Persons incorporated.

Sylvanus Marvin, Jonathan Norton, Roderick Norton, Elijah Owen, jun. Samuel Petton, Charles Segar, Jonathan Stickland, and Samuel Thomas, all of Loudon, together with all such as may hereafter associate with them, and their successors, shall be, and hereby are incorporated into a religious society, by the name of the United Congregational Society in Bethlehem and Loudon, with all the powers and privileges exercised and enjoyed by other parishes and religious societies, according to the Constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person within the said Bethlehem and Loudon, or on the adjoining tracts of unincorporated lands aforesaid, who may desire to join as a member of the said United Congregational Society, and shall declare such intention in writing, delivered to the minister or clerk of said society, fifteen days, at least, previous to the annual parish meeting, and shall receive a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with them, such person shall, from the date of such certificate, be considered with his or her polls and estate, a member of said society.

SECT. 3. *Be it further enacted,* That when any member of the said United Congregational Society shall see cause to leave the same, and to unite in religious worship with any other religious society, in either of the places aforesaid, and shall give notice of such intention to the minister or clerk of the said United Society; and shall also give in his or her name to the minister or clerk of such other society, fifteen days, at least, previous to their annual meeting; and shall have received a certificate of membership, signed by the minister or clerk of said society, such persons shall, from the date of such certificate, with his or her polls and estate, be considered a member of said society: *Provided however,* that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid previous to the leaving of said society.

SECT. 4. *And be it further enacted,* That any Justice of the Peace for the county of Berkshire, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said United Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes

Requisition to
become a mem-
ber.

Measures ne-
cessary in case
of leaving the
society.

Justice to issue
his warrant.

parishes or religious societies are by law empowered to choose at their annual parish meetings.

[This act passed February 18, 1807.]

CHAP. LII.

An act to establish a Corporation by the name of the Lancaster Turnpike Corporation.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Merrick Rice, Esq. Timothy Whiting, Esq. and John Prentiss, together with such persons as have or may hereafter associate with them, and their assigns and successors, be, and hereby are, made a corporation by the name of the Lancaster Turnpike Corporation, for the purpose of laying out and making a Turnpike road, beginning near the house of Thomas Miles, in Fitchburg; thence through the southerly part of Leominster to the meeting-house in Lancaster; thence through the southerly part of Bolton and Stow to Sudbury Causeway, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled, "An act defining the general powers and duties of Turnpike Corporations;" passed the sixteenth day of March, one thousand eight hundred and five.

Persons incorporated.

And, whereas the Fifth Massachusetts Turnpike Corporation may be affected and the profits thereof lessened by making the road aforesaid, therefore,

SECT. 2. *Be it further enacted,* That whenever said road shall be made and opened, the said Lancaster Turnpike Corporation shall be obliged to erect one gate, with a convenient toll-house for the reception of toll thereat, within two miles from where their road commences and Barbary-hill, so called, in the said town of Leominster, which said gate and toll-house shall remain and be kept in repair for the use of said Fifth Massachusetts Turnpike Corporation, who shall be entitled to receive the same rate of toll thereat as they are entitled to receive at any of their other gates; and the said Lancaster Turnpike Corporation shall, whenever thereto required by said Fifth Massachusetts Turnpike Corporation, remove the said gate and toll-house to such place within said distance as they may require, and there to

Corporation to erect gate and toll-house.

—To remove it when required.

keep

keep the same in repair as aforesaid, during the existence of this act; and the said last named Corporation shall be vested with all the powers and privileges, for the recovery of the toll at said gate, which are contained in the said general act herein before mentioned: *Provided always*, that the said Fifth Massachusetts Turnpike Corporation shall keep and support a gate, and continue to demand and receive the same rate of toll at their lower or eastern gate which they now demand and receive at the same, during the existence of this act.

Provido.

Committee to
locate the road.

SECT. 3. *And be it further enacted*, That Salem Town, John Spurr, and John Robbins, Esquires, be, and hereby are, appointed a committee to locate said road in the best direction, according to their best skill and judgment, from near the house of Thomas Miles, in Fitchburg, to Sudbury Causeway; and the said committee are hereby empowered to assess such damages as any individual may sustain by reason of laying out and making said road; when the corporation and such individual cannot agree, reserving to either party the right of trial by jury, according to the law which provides for the recovery of damages accruing by the laying out of public high-ways, and when the said committee have completed their business, they shall make return to the next Court of General Sessions of the Peace to be holden within the counties of Worcester and Middlesex, of the courses and distances, and damages assessed in each county, which shall have the same effect as though the same had been done by a committee appointed by said courts for the same purposes, and the expenses of said committee shall be paid by said corporation.

[This act passed February 18, 1807.]

CHAP. LIII.

An act for allowing a further time to the Proprietors of the Fifteenth Massachusetts Turnpike, for completing the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years from the twelfth day of February, in the year of our Lord one thousand eight hundred and seven, be, and hereby is allowed to said proprietors

proprietors to complete said turnpike road ; any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed February 18, 1807.]

CHAP. LIV.

An act authorizing the sale of the School Lands in the town of Jay, to raise a fund for the support of Schools in said town, and for appointing Trustees for those purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Moses Craft, Samuel Wheat Eustis, Oliver Fuller, Scarborough Parker, William Chenery, Nathan Craft, and Edward Richardson, be, and hereby are appointed trustees to sell the school lands in the said town of Jay, and to put out at interest the monies arising from such sale, in manner hereinafter mentioned : And for that purpose,

Trustees appointed.

SECT. 2. *Be it further enacted,* That the said trustees be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Jay Schools, in the county of Oxford ; and they and their successors shall be and continue a body politic and corporate by that name forever ; and they shall have a common seal, subject to alteration at their pleasure, and they may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

—Incorporated

SECT. 3. *Be it further enacted,* That the said trustees and their successors, shall annually elect a president, and clerk, to record the doings and transactions of the trustees at their meetings, and a treasurer to receive and apply the monies hereinafter mentioned as hereinafter directed, and any other needful officers for the better managing their business.

Trustees & officers.

SECT. 4. *Be it further enacted,* That the number of trustees shall not at any one time be more than seven, nor less than five ; any five of their number to constitute a quorum for transacting business ; and they shall and may from time to time, fill up vacancies in their number which may happen by death, resignation, or otherwise, from the inhabitants of said town, and shall have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging

Empower

discharging their duty, and supply vacancies so made by a new choice from the town aforesaid, and the said trustees shall annually hold a meeting, in March or April, and as much oftener as shall be found necessary to transact their necessary business, which meetings, after the first, shall be called in such a way and manner as the trustees shall hereafter direct.

Thomas, Esq.
authorized.

SECT. 5. *Be it further enacted*, That Holmes Thomas, Esq. be, and he hereby is authorized, to fix the time and place for holding the first meeting of the trustees, and to notify each trustee thereof.

Trustees author-
ized to sell lands.

SECT. 6. *Be it further enacted*, That the said trustees be, and they hereby are authorized to sell and convey in fee simple all the school lands belonging to the said town, and to make, execute, and acknowledge, a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by the name of their treasurer, by direction of said trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser to all intents and purposes whatever.

Trustees to be
of interest.

SECT. 7. *Be it further enacted*, That the monies arising from the sale of said lands, together with all donations or grants that may be made hereafter to said corporation, for the use of schools in said town, shall be put to use as soon as may be, and secured by mortgage of real estate, to the full value of the estate sold or money loaned; or by two or more sufficient sureties with the principal, unless the trustees shall think it best to invest the same in public funded securities, or bank stock, which they may do.

Trustees appro-
priate.

SECT. 8. *Be it further enacted*, That the interest arising from said funds shall be annually appropriated for the use of public schools in said town; and it shall never be in the power of said town to alter or alienate the appropriation of the fund aforesaid.

Treasurer to
be bonded.

SECT. 9. *Be it further enacted*, That the treasurer of the trustees shall give bonds faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies that may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his office.

SECT. 10. *Be it further enacted*, That the trustees or their officers, for the services they may perform, shall be entitled to no compensation, out of any monies arising from

from the fund aforesaid, but a reasonable compensation shall be paid them by the town aforesaid.

SECT. 11. *Be it further enacted*, That the said trustees and their successors, shall exhibit to the town, at their annual meeting in March or April, a regular and fair statement of their doings.

SECT. 12. *Be it further enacted*, That the said trustees, and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit, to be for the use aforesaid.

Trustees responsible to the town.

[This act passed Feb. 20, 1807.]

CHAP. LV.

An act to incorporate sundry persons into a society by the name of the Massachusetts Society for promoting Christian knowledge.

WHEREAS Samuel Abbot and sundry other persons have associated themselves for the benevolent purpose of promoting evangelical truth and piety, by a charitable distribution of bibles, testaments, psalters and other religious books and tracts, among poor and pious christians, in new towns, plantations, and other places; and also by supporting charity schools, and pious missionaries in places destitute of the means of religious knowledge, or where such means are but sparingly enjoyed; and have petitioned this Court for an act of incorporation, whereby they may be the better enabled to carry into effect the object of their association; and, as it is reasonable, that the prayer of said petition should be granted; therefore, to promote and encourage the same:

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Abbot, of Andover, Esq. Rev. Joshua Bates, of Dedham, Rev. Daniel Chaplin, of Groton, William Coombs, of Newburyport, Esq. Rev. Joseph Dana, of Ipswich, D. D. Rev. Daniel Dana, of Newburyport, Rev. Peter Eaton, of Boxford, Samuel Farmer, Esq. and Rev. Jonathan French, of Andover, Caleb Gannett, of Cambridge, Esq. Rev. William Greenough, of Newton, Mr. William Hilliard, and Rev. Abiel Holmes, D. D. of Cambridge,

Persons incorporated.

bridge, Rev. David Kellogg, of Framingham, Rev. James Kendall, of Plymouth, Rev. Joseph Lyman, of Hatfield, D. D. Rev. Jedediah Morse, of Charlestown, D. D. Mark Newman, A. M. Eliphalet Pearson, L. L. D. and John Phillips, jun. Esq. of Andover, Rev. Thomas Prentiss, of Medfield, Rev. Samuel Stearns, of Bedford, Dr. James Thacher, of Plymouth, John Treadwell, Esq. of Salem, Rev. Benjamin Wadsworth, of Danvers, and Mr. Samuel Hall Walley, of Boston, be, with such others as they shall elect, and they hereby are incorporated and made a body politic, for the purpose aforesaid, by the name of the Massachusetts Society for propagating christian knowledge. And the society aforesaid, shall have perpetual succession, and may have a common seal, which it shall be lawful for them to change, break, alter, and make new at pleasure; and may purchase, and receive by gift or device, land, tenements, and real estate of any kind, and the same hold in fee simple, or less estate, the annual income and profits whereof, not to exceed the value of six thousand dollars. And the said society is hereby enabled to take and receive subscriptions of charitably disposed persons, and may take any personal estate in succession; and all donations to the society either by subscription, legacy, or otherwise, (excepting such as may be differently appropriated by the donors) shall make a part of, or be put into the capital stock of the society; which shall be put out on interest on good security, or otherwise improved to the best advantage; and the income or profits applied to the purpose of promoting christian knowledge, in such manner as they shall judge most conducive to answer the design of their institution; and the said society is hereby empowered to give such instructions, orders, and encouragement to their officers, and to those they shall employ, as they shall judge necessary; and the persons employed as teachers in any capacity, shall be persons of the protestant religion, of reputed piety, loyalty, prudence, knowledge and learning, and of other christian and necessary qualifications, suited to their respective stations.

SECT. 2. *And be it further enacted,* That the said society may choose by ballot, a president, vice-president, clerk, secretary, treasurer, and such other officers as they shall see fit: and may, at their first meeting under this corporation, by the vote of two thirds of the members present at said meeting, adopt such constitution or system of rules and by-laws, as they shall think necessary for the orderly conducting and executing

Their powers.

Qualifications of teachers.

Officers to be chosen by ballot.

executing the business of said society; and for the most effectually securing the object of their institution; which constitution or system of rules and by-laws, shall be for the government of said society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out; *Provided*, such rules and by-laws be not repugnant to the constitution and laws of this commonwealth. Proviso.

SECT. 3. *And be it further enacted*, That the society aforesaid, may at all times, under the name, style, and title aforesaid, sue and be sued, plead or be impleaded, appear, prosecute, and defend to final judgment and execution; and may appoint an agent or agents to prosecute and defend suits, with power of substitution; and it shall be lawful for the said society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way or right accruing to them in their corporate capacity, (unless that which is given, be otherwise expressly ordered or appropriated by the donor,) and convey the same by deed, or other legal instrument, duly executed, and when the property to be conveyed is real estate, under the hand of the president, and the seal of the society; provided that all monies arising from such sale, be applied to the same use to which the income thereof was before applied. Society authorized.

And to the end, that the members of said society, and all contributors to said design, may know the state of the funds of said society, and the disposition thereof, and of all the donations made to said society,

SECT. 4. *Be it enacted*, That particular accounts of such funds, and the disposition thereof, shall be exhibited by the treasurer; or, in case of his absence, by the clerk, at the stated annual meeting of said society, a committee of said society having first examined and certified the same to be true; and fair entries shall be made in proper books, provided for that purpose, of all donations made to the society; and of all the estate, both real and personal, belonging to the same; and said books shall be brought to the general stated meetings, and be there open for the perusal and examination of the members. State of funds &c. to be exhibited annually.

SECT. 5. *Be it further enacted*, That Samuel Abbot, John Treadwell, and John Phillips, jun. Esq's, or any two of them, be, and they hereby are authorized, by notification in two of the Boston newspapers, to call the first meeting of said society in their corporate capacity, at such time and place as they shall judge proper. First meeting to be advertised.

SECT. 6. *And be it further enacted,* That the Legislature of this Commonwealth may at any time after the expiration of ten years from the passing of this act, alter, amend, or repeal the charter of said corporation, at their will and pleasure, reserving however to the proprietors for the time being, their property which they may have appertaining to said corporation.

[This act passed Feb. 20, 1807.]

CHAP. LVI.

An act to incorporate a number of the inhabitants of the town of Edgecomb, in the county of Lincoln, as a religious society, by the name of the first Congregational Society in Edgecomb.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Stephen Adams, Azariah Baker, Joseph Burnham, Isaac Clifford, William Clifford, William Clifford, jun. Moses Davis, Moses Davis jun. Henry Dodge, Malachi Dodge, John Dodge, Winthrop Dodge, John Fly, William Fly, William Fly, jun. Ebenezer Gove, John Gove, David Gove, jun. Benjamin Hagget, Benjamin Hagget, jun. William Hagget, William Hodge, Abner Hood, Daniel Hood, Simon Merrill, Stephen Merrill, Ebenezer Moore, James Moore, Nathaniel Moore, William Moore, Aaron Ring, Thomas Ring, Barnabas Sears, Enoch Trask, Daniel Trask, Solomon Trask, Solomon Trask, jun. Benjamin Tilton, Daniel Tilton, John Tilton, and David Webber, jun. with their families and estates, together with such others as have, or may hereafter associate with them, and their successors, be, and hereby are made a corporation, with perpetual succession, by the name of the first Congregational Society in Edgecomb, with all the powers and privileges to which other parishes or religious societies are entitled by the constitution and laws of this commonwealth.

SECT. 2. *Be it further enacted,* That any person in the said town of Edgecomb, who may be desirous of becoming a member of the said first Congregational Society, and shall declare such intention in writing, given in to the clerk of the said first society, fifteen days previous to the annual parish meeting, and shall receive a certificate signed by the clerk or the minister of the said society, that he or she has actually

Persons incor-
porated.

Members to ob-
tain a certificate.

actually become a member of, and united in religious worship with the said first Congregational Society in Edgecomb, such person shall, from the date of such certificate, be considered, with his or her polls and estate, as a member of said society.

SECT. 3. *Be it further enacted,* That when any member of the said first Congregational Society in Edgecomb, shall see cause to leave the same, and unite in religious worship with any other religious society in the said town, and shall give notice of such intention to the clerk of the said first society, and shall also give in his or her name to the clerk of such other society, fifteen days previous to the annual meeting of said society, and shall have received a certificate of membership, signed by the minister or clerk of said society, such person shall, from the date of such certificate, with his or her polls and estate, be considered as a member of said society: *Provided however,* that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person formerly belonged, assessed and not paid previous to leaving said society.

Persons leave
to signify t
intention.

SECT. 4. *And be it further enacted,* That either of the justices of the peace for the county of Lincoln, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said first Congregational Society in Edgecomb, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law required to choose at their annual parish meetings.

Justices to i
a warrant.

[This act passed Feb. 20, 1807.]

CHAP. LVII.

An act, in addition to an act, entitled "An act in addition to an act, entitled an act for incorporating certain persons for the purpose of building a Bridge over Kennebeck River at Fort Western, in the town of Hallowell."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the said bridge shall be authorized hereafter, to demand and receive for each horse with one rider, *twelve and one half cents*; and for each single horse-cart,

Toll fixed

horse-cart, sled or sleigh, *sixteen cents*; and all the other rates of toll for passing said bridge remain and continue as provided in the said act, passed on the fifth day of February, in the year of our Lord one thousand seven hundred and ninety-nine.

[This act passed Feb. 20, 1807.]

CHAP. LVIII.

An act to incorporate a part of the plantation of Porterfield into a town by the name of Porter.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the part of the plantation called Porterfield, and all other lands in the county of Oxford, contained within the following boundaries, together with the inhabitants thereon, be, and hereby are incorporated into a town by the name of Porter, viz. Beginning on the north bank of great Ossipee river, on the line between the State of New Hampshire and the District of Maine, thence northwardly, by New Hampshire line, one thousand nine hundred and seventy rods, to a stake and stones; thence south, eighty-three degrees east, one thousand three hundred rods, to a stake and stones on the east line of the plantation of said Porterfield; thence southwardly by said Porterfield line to great Ossipee river; thence up in the middle of said river to New Hampshire line, the place began at. And the said town of Porter is hereby vested with all the powers, privileges and immunities, which other towns in this commonwealth, do or may enjoy by the constitution and laws thereof.

SECT. 2. *And be it further enacted,* That Samuel Ayer Bradley, Esq. or any other justice of the peace, in and for said county of Oxford, be, and hereby is empowered to issue his warrant, directed to some suitable inhabitant of said town of Porter, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose, in the months of March or April annually.

[This act passed February 20, 1807.]

CHAP. LIX.

An act to authorize Ephraim Lincoln and Thomas L. Chase to make use of the waters of Rocky Pond.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ephraim Lincoln and Thomas L. Chase, be, and they are hereby authorized, to dig a drain on the easterly side of Rocky Pond, so called, lying in the Gore of Land between the towns of Westminster and Leominster, in the county of Worcester, and to erect Sluices and Dams necessary to retain the waters of said Pond, to be appropriated for their use and benefit, in turning Mills owned by said Lincoln and Chase. Dams to be erected.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any owner of land adjoining on said Pond shall have the right of damages, if any there be, in consequence of draining or flowing said Pond, to be recovered in the same way and manner as is by law provided for the flowing of lands for the use of mills. Damages recovered.

[This act passed February 20, 1807.]

CHAP. LX.

An act for the preservation of the Fish in Massapaug Ponds, (so called) in the county of Middlesex.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person whatever, in the night time, to kill, take, or destroy, any fish, in the ponds called Massapaug Ponds, lying between the towns of Dunstable, Groton, and Tyngsborough, or in the streams running into, and issuing therefrom, with spears, or any implement whatever, which is made use of, for the purpose of stabbing or killing the fish in the said ponds or streams. Fish not to be taken at night.

SECT. 2. *Be it further enacted,* That if any person or persons, from and after the passing of this act, in the night time, after the setting and before the rising of the Sun, with spears, or any other implement which is made use of for the purpose of killing or taking fish, shall kill, take, or destroy, any fish in said ponds, called Massapaug Ponds, or in the streams running into or issuing therefrom, such person

Penalty.

son shall, for each and every fish so taken, killed, or destroyed, forfeit and pay the sum of *Fifty Cents*, to be recovered before any court proper to try the same by action, in which the whole penalty shall enure to the use of such person as shall first sue for the same.

[This act passed *February 20, 1807.*]

CHAP. LXI.

An act to incorporate certain tracts of land in the county of Oxford, into a town by the name of Denmark.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the Academy grant, Pleasant Mountain Gore, and Foster's Grant in said county of Oxford, and all other lands contained within the following boundaries, viz. beginning at the north-east corner of Fryburg, and running southerly by Bridgeton to Baldwin line, thence south, sixty degrees west, six hundred and one rods, to a hemlock tree, marked; thence south, eighty-seven degrees west, sixteen hundred and ten rods to a maple tree on the bank of Saco river; thence up by said river to a pine tree, marked thus, No. 1. SI. EB.; thence north, twelve degrees west, eight hundred and fifteen rods, to a maple tree by Pleasant Pond; thence northwardly by the Pond aforesaid, to Fryburg line; thence north, forty-three and an half degrees east, by Fryburg to the first bound, together with the inhabitants thereon, be and hereby are incorporated into a town by the name of Denmark; and the said town of Denmark is hereby vested with all the powers, privileges, and immunities, which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

Denmark incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid*, That Timothy Osgood, Esq. or any other Justice of the Peace, in and for said county of Oxford, be, and hereby is empowered to issue his warrant directed to some suitable inhabitant of said town of Denmark, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of March or April annually.

Justice to issue his warrant.

[This act passed *February 20, 1807.*]

CHAP. LXII.

An act to incorporate the easterly part of the plantation heretofore called Ballstown, into a separate town by the name of Jefferson.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the easterly side of the plantation heretofore called Ballstown, in the county of Lincoln, as described within the following bounds, be, and hereby is incorporated into a town by the name of Jefferson, viz.—Beginning at a red oak tree, marked for a corner, standing near Travel Pond, so called; from thence running south, sixty degrees east, five miles and two hundred and eighty poles, to Union line, to a hemlock tree, marked for a corner; thence south one mile and one hundred and forty poles, to a tree marked for a corner; thence south, sixty-six degrees west, one mile and two hundred and forty poles, to a tree marked for a corner, on Waldoborough line; thence southwest two miles and two hundred and sixty poles, to Nobleborough line, to a tree marked for a corner; thence west northwest two miles and eighty poles, to a tree marked for a corner, standing on the shore of Damiscotta pond; thence across said pond to the western shore of said pond, thence down said pond, as said pond runs to New-Castle line, to a tree marked for a corner; thence west northwest three miles and forty poles, to a stake and stones at Turner's Brook, so called, for a corner; thence north, twenty-seven degrees east, eleven miles and twenty poles, to the bound first mentioned. And the said town is hereby vested with all the powers and privileges, and subject to all the duties and requirements, to which other towns are entitled or subjected, by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted,* That either of the Justices of the peace, for the county of Lincoln, be, and he is hereby authorized, to issue a warrant, directed to some inhabitant of said town of Jefferson, requiring him to notify and warn the inhabitants of the said town, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed February 24, 1807.]

CHAP. LXIII.

An act to incorporate a number of the inhabitants of the plantations of Ballstown, and other places adjoining, in the county of Lincoln, into a religious society, by the name of the Calvinistic Baptist Society, in Ballstown.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Arril, Joseph Baley, David Boynton, John Boynton, John Boynton, jun. Richard Boynton, David Carlton, Samuel Carlton, Abraham Choat, Moses Choat, John Dake, Isaac Davis, Benjamin Fowles, Joseph Fowles, William Fowles, Abraham Hilton, Isaac Hilton, Thomas Hilton, John King, John Murphy, James Murphy, jun. Jere Norris, Daniel Noyes, Jonathan Noyes, Nathaniel Noyes, jun. Aaron Potter, John Philbrick, Richard Poor, David S. Trask, Jonathan Trask, John Trask, Thomas Trask, Thomas Trask, jun. and John Woodman, with their families and estates, together with such others as already have, or may hereafter associate with them, and their successors, be, and hereby are made a corporation, by the name of the Calvinistic Baptist Society in Ballstown, and by that name shall have perpetual succession, with all the powers and privileges exercised and enjoyed by other religious societies, according to the Constitution and laws of this Commonwealth.

Members to
obtain a cer-
tificate.

SECT. 2. *Be it further enacted,* That any person belonging to the said plantation of Ballstown, or in the adjacent towns or plantations who may be desirous to join the said Calvinistic Baptist Society, and shall declare such intentions in writing, to the elder or clerk of said society, fifteen days at least, previous to the annual society meeting, and shall receive a certificate signed by the said elder and clerk, that he or she has actually become a member of, and united in religious worship with the said society in Ballstown, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of said society.

Members leav-
ing, to signify
their intention.

SECT. 3. *Be it further enacted,* That when any member of the said Calvinistic Baptist Society in Ballstown, shall see cause to leave the same, and to unite in religious worship with any other society, and shall give notice of such intentions to the elder or clerk of the said Baptist Society, and shall also give in his or her name, to the minister or clerk of such other society, fifteen days, at least, previous to the annual

annual society meeting, and shall have received a certificate of membership, signed by the minister and clerk of such society, such person shall, from the date of such certificate, with his or her polls and estate, be considered a member of said society: *Provided however*, that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such persons belong, assessed and not paid previous to leaving said society.

SECT. 4. *And be it further enacted*, That either of the Justices of the Peace for the county of Lincoln, is hereby authorized to issue a warrant, directed to some member of the said Calvinistic Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be expressed in the said warrant, for the choice of such officers as parishes or religious societies are by law empowered to choose at their annual parish meetings.

Justice to issue
a warrant.

[This act passed *February 24, 1807.*]

CHAP. LXIV.

An act, setting off Bracey Banks and others, from the Congregational Society in the town of Saco, and annexing them to the first Baptist Society in the town of Buxton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bracey Banks, Samuel Woodson, Josiah King, Thomas Andrews, Robert Cleaves, Ephraim Bryant, Robert Cleaves, jun. Benjamin Simpson, Joseph Gilford, Stephen Seavey, Joseph Richards, Samuel Chamberlain, Nathan Hopkinson, and Ephraim Bryant, jun. of Saco, in the county of York, with their polls and estates, both real and personal, be set off from the Congregational Society, in Saco, and annexed to the first Baptist Society in Buxton: *Provided*, that the said Bracey Banks, Samuel Woodson, Josiah King, Thomas Andrews, Robert Cleaves, Ephraim Bryant, Robert Cleaves, jun. Benjamin Simpson, Joseph Gilford, Stephen Seavey, Joseph Richards, Samuel Chamberlain, Nathan Hopkinson, and Ephraim Bryant, jun. shall pay to the said Congregational Society all taxes lawfully assessed on them, in the same manner they would have been holden to do, had not this act passed.

Persons set off.

[This act passed *February 24, 1807.*]

L

CHAP.

CHAP. LXV.

An act to divide the town of Cambridge, and to incorporate the southerly parish therein as a separate town, by the name of Brighton.

Brighton incor-
porated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the town of Cambridge situate on the south side of Charles River, heretofore known as the Third Parish, and as described within the following bounds, together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of Brighton—viz. Beginning at Brookline line, where Charles River intersects the same, and running on a line in the middle of said Charles River, until it strikes Newton line, thence along Newton line until it intersects Brookline line; thence on said line of Brookline to said Charles River, first mentioned; and the said town of Brighton is hereby vested with all the powers, privileges, and immunities, and shall also be subjected to all the duties to which other corporate towns are entitled and subjected by the constitution and laws of this commonwealth: *Provided however*, that nothing in this act shall be so construed as to impair the right or privilege of the Congregational ministers of the said town of Brighton, which they hold in Harvard College.

Boundaries.

Proviso.

Proportion of
property to be
held by Brough-
ton.

SECT. 2. *Be it further enacted*, That the said town of Brighton shall be entitled to hold such proportion of all the real and personal estate, now belonging to, and owned in common by the inhabitants of the present town of Cambridge, as the property of the inhabitants of the said town of Brighton now bears to the property of all the inhabitants of the present town of Cambridge, according to the latest valuation thereof, excepting always, all right of common landing places, uses, and privileges, heretofore possessed by the inhabitants of said town of Cambridge, all which shall be held and enjoyed by the towns respectively within whose limits the same may be.

To pay their
proportion of
debts, &c.

SECT. 3. *Be it further enacted*, That the said town of Brighton shall be holden to pay their proportion, to be ascertained as aforesaid, of all the debts and claims now due and owing from the said town of Cambridge, or which may hereafter be found due and owing by reason of any contract

tract, engagement, judgment of Court, or any matter or thing, now or heretofore entered into or existing.

SECT. 4. *Be it further enacted,* That the said town of Brighton shall be holden to support their proportion of the present poor of the town of Cambridge, which proportion shall be ascertained as aforesaid, and all persons, who shall or may hereafter become chargeable as paupers, shall be considered as belonging to that town on whose territory they have gained a legal settlement at the passing of this act, and shall be supported by that town only.

Supporting the poor.

SECT. 5. *Be it further enacted,* That the said town of Brighton shall keep up and support their proportion of a bridge over Charles River, between said town and the town of Cambridge, so long as said bridge may be deemed by law, necessary; said proportion to be ascertained by the state valuation from time to time.

Supporting the bridge.

SECT. 6. *Be it further enacted,* That either of the justices of the peace for the county of Middlesex, is hereby authorized to issue a warrant, directed to some inhabitant of the said town of Brighton, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of all such officers, as towns are by law required to choose, in the months of March or April, annually.

Justice to issue his warrant.

SECT. 7. *Be it further enacted,* That the said town of Brighton shall pay their proportion of all state and county taxes, as are already, or may hereafter, be assessed upon the inhabitants of the town of Cambridge, until the General Court shall lay a tax upon said town of Brighton.

To pay proportion of taxes.

[This act passed February 24, 1807.]

CHAP. LXVI.

An act, in addition to an act, entitled An act to enable the proprietors of Social Libraries to manage the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any seven or more persons, who are officers in any division of the militia of this commonwealth, who shall by writing, associate themselves for the purpose of forming a Military Library Society, within the limits of their division, may become a body politic, by the name of the Military Library Society, in the _____ division, for the express

Military Library Society.

expres purpose of purchasing, holding, increasing, preserv-
 in, and using such library ; and to this end, any five or
 more of them may make an application in writing to any
 justice of the peace, within the limits of the division to
 which said applicants may belong, stating the purposes of
 their meeting, and requesting him to call a meeting of the
 said proprietors. And the said justice may thereon grant
 his warrant to any one of them, directing him to call a
 meeting of the said proprietors at the time and place ex-
 pressed in such warrant ; and said meeting shall be called
 by posting up the purport of said warrant, in such public
 places, within the division, where the said library is to be
 kept, or by publishing the same in one or more newspapers
 printed within the said division, twenty days at least, before
 the time of said meeting, as the said justice shall order. And
 the said proprietors being thus met and organized, may
 then agree and determine upon the method of calling future
 meetings ; and shall be entitled to all the other rights, pow-
 ers, and privileges, and be under all the limitations and re-
 strictions, mutatis mutandis, which are contained in the act
 to which this is an addition.

[This act passed Feb. 24, 1807.]

CHAP. LXVII.

An act to incorporate certain persons for the purpose of
 making a Canal, on Moose Brook, in the town of Brown-
 field, in the county of Oxford, by the name of the Pro-
 prietors of Moose Brook Canal.

SECT. 1. *BE it enacted by the Senate and House of Repre-*
sentatives, in General Court assembled, and by the authority of
the same, That Cyrus Ingals, Elias Berry, Dean Osgood,
Joseph Walker, Enoch Perley, Seth Spring, Joseph Howard,
Robert Andrews, Isaiah Ingals, Phinehas Ingals, Jacob
Smith, Daniel Brigham, James Emerson, James Flint, Jo-
seph Sears, and Henry Y. B. Osgood, together with such
other persons as may hereafter be associated with them,
and their successors, shall be a corporation by the name of
the proprietors of the Moose Brook Canal, and by that
name may sue and be sued, defend and be defended, prose-
cute and be prosecuted : shall have a common seal, which
they may at pleasure alter, and shall enjoy all privileges and
powers,

Persons incorpo-
 rated.

powers, and do and suffer all such matters and things as are incident to similar corporations.

SECT. 2. *Be it further enacted*, That the proprietors aforesaid, be, and hereby are empowered, within the term of five years from the passing of this act, to make a Canal from the bridge near Ingals' Mill, so called, in Brownfield, aforesaid, to the mouth of Moose Brook into Saco River, in the most convenient direction and most suitable places for making said canal, and for loading and unloading and transporting any lumber and other commodities therein.

Empowered to make a canal.

SECT. 3. *Be it further enacted*, That if any person or persons shall suffer any damage by means of said canal, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then, and in such case, some disinterested committee of three freeholders in said county, shall be appointed by the Court of Common Pleas, or by two justices of the quorum, in and for said county, and the determination of the committee or referees so appointed, shall be the measure of said damages; *Provided however*, that if either party shall be dissatisfied with the report of said referees so appointed, and shall, at the same session of the court aforesaid, at which said report shall be made, apply to said court for a trial by jury, in the manner other causes are determined, the court aforesaid, shall have power to determine the same by jury as aforesaid; and if the verdict of the jury shall not give to the party applying a greater sum in damages than said referees shall have awarded as aforesaid, then the said court shall award costs against the applicants; but if said last decision shall be more favorable to the party applying than the report of said referees, then the said court shall render judgment accordingly, and issue execution in either case.

Method of determining the amount of damages.

Proviso.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully and mischievously in any way destroy or injure said canal, or any works or part thereof, or divert or obstruct the waters to the damage of the proprietors thereof, he, she, or they shall pay treble the value of such damage, as said proprietors shall, before the court and jury before whom the trial shall be had, make to appear, said proprietors have sustained by means of said trespass, to be sued for and recovered in any court proper to try the same.

Penalty for mischievously injuring.

SECT. 5. *Be it further enacted*, That for the purpose of remunerating said proprietors for the monies by them expended,

Toll granted.

pended, and to be expended in building and supporting said canal, a toll be, and hereby is granted and established for the benefit of said proprietors, their heirs, successors and assigns, according to the rates following, viz. for each mill-log one cent, for each thousand of clapboards and shingles one and an half cent, for each thousand of board, plank, and slitwork, three cents; for masts, spars, ranging and other timber, three cents per ton; provided, that nothing in this act shall in any way diminish the toll of one cent on a mill-log to the within named Cyrus Ingals for passing through the said Ingals' slip above said canal.

Rates of toll.

SECT. 6. *Be it further enacted*, That said proprietors shall, as soon as said canal is, in the opinion of the Court of Common Pleas in said county of Oxford, or in the opinion of a committee appointed by said court, completed, have power to recover the toll as aforesaid, on all the several articles as they pass and repass, and to retain them or any part of them, if payment should be refused.

Justice to issue
a warrant.

SECT. 7. *Be it further enacted*, That upon the application of any three of said proprietors to any justice of the peace in the said county of Oxford, requesting him to call a meeting of said proprietors, to be holden at some convenient place near said canal, such justice shall be, and is hereby empowered to issue his warrant directed to one of said proprietors, (requesting him to notify and warn his associates to meet at such time and place as shall be directed in said warrant,) who, when met, may agree upon a method for calling future meetings of said proprietors, and do and transact all such other matters and things of the propriety as shall be expressed in said warrant, and not contrary to the laws and constitution of this commonwealth.

Proprietors may
hold estate.

SECT. 8. *Be it further enacted*, That said proprietors be, and they hereby are authorized and empowered to purchase and to hold to them and their successors, forever, so much real estate as shall be necessary for the purposes aforesaid, not exceeding one thousand dollars.

SECT. 9. *Be it further enacted*, That each proprietor shall have a right to vote in proprietary meetings according to his interest, either in person or by legal representation.

[This act passed February 24, 1807.]

CHAP. LXVIII.

An act to repeal the fifth section of an act, entitled, "An act authorizing a Lottery for the purpose of completing Hatfield Bridge."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fifth section of the act, aforesaid, be, and the same is, hereby repealed.

SECT. 2. *Be it further enacted by the authority aforesaid,* That no one shall be permitted to sell any parts of tickets in any future class of the aforesaid Lottery, except such as are signed by some one or more of the Managers of said Lottery.

[This act passed *February 24, 1807.*]

CHAP. LXIX.

An act to incorporate a number of the inhabitants of the second Precinct in the town of Attleborough, into a religious society, by the name of the Second Congregational Parish in Attleborough.

WHEREAS, a number of the inhabitants, be- Preamble.
 longing to the religious society of the second Precinct in the town of Attleborough, in the county of Bristol, whereof the Rev. Nathan Holman is their present Pastor, have petitioned this court to be incorporated; shewing that the said Precinct is possessed in their own right, of a small lot of land, called the meeting-house lot, in said Precinct, with a meeting-house thereon, and also of *eleven hundred and forty dollars*, as a fund for supporting a Minister of the Gospel in said Precinct.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Noah Blandin, Jacob Bolkcom, Joab Dagget, Thomas French, Caleb Richardson, jun. Nathaniel Robinson, Henry Sweet and Peter Thacher, together with such other persons as have, or may hereafter associate with them and their successors, be, and they are hereby incorporated into a body politic, with perpetual succession, by the name of The Congregational Society in the second Precinct in Attleborough. Persons incorporated.

SECT.

Trustees appointed.

SECT. 2. *Be it further enacted*, That Noah Blandin, Jacob Bolkcom, Joab Dagget, Thomas French, Caleb Richardson, jun. Nathaniel Robinson, Henry Sweet, and Peter Thacher be, and they hereby are, appointed trustees, to manage such funds as already are, or shall be hereafter raised and appropriated, to the support of a minister of the Congregational denomination in said society; and for this purpose, the trustees before named, and their successors forever, shall be known in law, by the name of The Trustees of the Congregational Society in the Second Precinct in Attleborough; and the said trustees, in behalf, and under the direction of the said society, shall have power, from time to time, to receive, possess, enjoy, improve and retain, monies, and securities for money already raised; and all monies, subscriptions, donations, and securities for real or personal estate, which may be hereafter given, raised, or subscribed, for the purpose aforesaid, and shall have power to sell and convey lands and tenements, the fee whereof may vest in them, by way of mortgage, or operation of law. And the said trustees may put, and keep to use or interest, the *eleven hundred and forty dollars* aforesaid, until the principal and interest, with what may be added thereto, shall amount to *four thousand dollars*, from which time, and afterwards, the interest, or annual income thereof, shall be annually paid for the support of such Congregational teacher/ of Religion, as now is, or shall be hereafter, regularly ordained and settled in said Precinct, by the joint concurrence of the Church and inhabitants in said Precinct, being legal voters and attendants at the stated religious meetings of the said Congregational teacher or minister.

Empowered.

Further powers.

SECT. 3. *Be it further enacted*, That during any vacancy in said Precinct, of a regularly ordained minister, as aforesaid, the said trustees shall appropriate such interest or income, to increase the principal of the fund; and also at all times to add to the principal of the fund, after it may amount to the sum of *four thousand dollars*, all monies or securities for money, donations, or securities for real or personal property; and, *Provided also*, that if at any time, the annual income or interest of the whole, shall be more than sufficient to pay the stated minister what he hath a legal right by contract to receive, the overplus may be applied to rebuilding, enlarging, or repairing, of their meeting-house, or any other purpose of public utility, as the said society shall direct.

SECT.

SECT. 4. *Be it further enacted*, That the said society may fill all vacancies among the trustees, or other officers of the said society, whether they happen by death, resignation, or otherwise, so that there may always be seven trustees, and no number less than three trustees shall constitute a quorum for doing business; and the said society may make their officers such compensation for their time and services, as they may judge reasonable, but no part of the principal of said fund shall ever be expended for any purpose whatsoever.

Vacancies filled.

Compensation.

SECT. 5. *Be it further enacted*, That the said society shall hold their first meeting on the last Monday in March next, and shall then choose a clerk, who shall be sworn to make a fair record of all the proceedings of the society, and also a treasurer, who shall receive all money and securities belonging to said fund, when the trustees shall order the same into his hands, and shall keep an account of all monies and securities for money, belonging to the said fund, to whom it is loaned, and for what time. And the said society may at their first meeting, and from time to time afterwards, as occasion may require, make such rules and by-laws, and for the admission of members, as they may think necessary, and to establish the manner of calling future meetings, and to appoint an agent or agents, in behalf of said society, when they may judge it expedient.

Choice of clerk and treasurer.

SECT. 6. *And be it further enacted*, That any Justice of the Peace for the county of Bristol, is hereby authorized to issue a warrant, directed to some member of said society, requiring him to notify and warn the members thereof to meet at such convenient time and places, as shall be expressed in said warrant, for the choice of trustees, and such other officers, as Parishes are by law empowered to choose at their annual parish meetings.

Justice to issue a warrant.

[This act passed February 24, 1807.]

CHAP. LXX.

An act for the better preservation of the growth of the wood and timber, on a tract of woodland, lying in the towns of Wenham and Hamilton.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the better preservation of the growth of

Boundaries.

the wood and timber, on a certain tract or parcel of woodland, commonly known by the name of Wenham Great Swamp, and bounded as follows, viz. Beginning at Pleasant Pond brook, commonly so called; thence southerly by Pleasant Pond and land of adjacent proprietors; westerly on a meadow, known by the name of Wenham Great Meadow, to the Nail Maple, so called, near Ipswich river in Topsfield; thence to said river, and northerly by said river to land of Reuben Smith; thence easterly by land of said Smith, and other adjacent proprietors, to Pleasant Pond brook, aforementioned; the proprietors of said lands, their heirs and assigns, be, and hereby are incorporated and invested with all the powers and privileges which the proprietors of common and general fields by law are invested with.

Proprietors incorporated.

Penalty.

SECT. 2. *And be it further enacted*, That if any of the said proprietors, or any field driver, or hay-ward duly appointed by them, shall find any horse, or horse kind, neat cattle or sheep, going at large in said woodland, the owner or owners thereof, shall forfeit and pay to the use of said proprietors, or field driver, or hay-ward, *one dollar* a head for neat cattle, and the same for each horse or horse kind, and *thirty cents* for each sheep so found going at large; the same to be recovered as in cases of creatures taking damage *saisant* in any general and common field.

Proprietors to make and maintain a fence.

SECT. 3. *Be it further enacted*, That said adjacent proprietors shall be severally entitled to have and hold all the fence now standing on the dividing line between their respective closes and said swamp, and they shall severally be holden to make and maintain a legal and sufficient fence upon the whole of the line aforesaid, during the continuance of this act, and at the expiration thereof, one half the fence on the line aforesaid, shall revert to, and be holden by said proprietors; and the said adjacent proprietors severally, shall be entitled to demand and receive of the said proprietors, at and after the rate of *seventy cents* for each and every rod of one half the fence on the dividing line aforesaid, and if the said proprietors, shall fail for the space of six months after the making and completing such fence, and due notice thereof given to their clerk, to pay the amount which may be due for such half of the fence, then the said adjacent proprietors, severally, shall be entitled to an action for the recovery thereof, in any court proper to try the same.

SECT.

SECT. 4. *Be it further enacted, That this act shall continue and be in force for the term of ten years from the passing thereof, and no longer.* Term of continuance.

[This act passed *February 24, 1807.*]

CHAP. LXXI.

An act authorizing the Fourteenth Massachusetts Turnpike Corporation to erect a gate, and take toll at the same, when a part of their road shall be completed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever that part of the fourteenth Massachusetts Turnpike Road, which extends from Calvin Munn's, in Greenfield, to the widow Kemp's, in Shelburn, where it intersects the county road, leading from Greenfield to Charlemont, shall be sufficiently made, agreeably to the acts establishing and relating to said turnpike, and shall be so allowed by a committee to be appointed by the Court of General Sessions of the Peace, for the county of Hampshire; then said corporation shall be authorized to erect a gate, and take toll, at the rates established by the act incorporating the proprietors of said road, at such place as said proprietors shall choose, with the consent and approbation of the committee aforesaid.*

[This act passed *February 24, 1807.*]

CHAP. LXXII.

An act to incorporate fundry persons by the name of The First Baptist Society of Vassalborough.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Farfield, James Brackett, jun. John Brackett, W. D. Moody, Holman Johnson, Allen Wing, Phineas Weeks, Jesse Martin, Solomon Brun, Gideon Wing, Barnabas Parker, Phillip Colebey, Timothy Hamblin, Coker Marble, Parker Burges, Maltiar Famis, Francis M. Rollins, Jonas Priest, Joseph Blafdel, Thomas Sewell, William Getchell, Sannel Livermore, John C. Webster, Frederick W. Heerman, Asa Gould, Jabez Hamblin, William Dickey, Nathaniel Doe, Samuel Godfrey, Ezekiel Wyman, David Burges,* Persons incorporated.

Burges, Giles Sowards, William Pullen, Michael Crowell, and Joseph Robinson, jun. with such as have, or hereafter shall join them, be, and they are hereby incorporated into a body corporate and politic, by the name of the first Baptist Society in Vassalborough, with all the privileges and immunities belonging to parishes in this commonwealth, and subject to all the duties to which parishes are subject by the constitution and laws of this commonwealth.

Justice to issue
a warrant.

SECT. 2. *Be it further enacted*, That any justice of the peace for the county of Kennebeck, is hereby authorized, upon application of any three of said society, to issue a warrant for the first meeting of said society, to be directed to any member of said society, and to be served as in said warrant shall be directed; and said society may, at said meeting, agree upon the method of calling future meetings.

[This act passed Feb. 24, 1807.]

CHAP. LXXIII.

An act to incorporate John Gilman Taylor and others, by the name of the Proprietors of the Salt Works in North Yarmouth.

Preamble.

WHEREAS, John Gilman Taylor, a citizen of the United States, has obtained letters patent, bearing the seal of the United States, dated November 15th, 1805, for the manufacturing of Sea Salt on a new plan; and whereas, the said John G. Taylor and others, his associates, have formed a company in North Yarmouth, in the county of Cumberland, for the purpose of carrying on the manufacture of Sea Salt on said new plan, and have petitioned the General Court that they may be incorporated, with such powers as may enable them, more conveniently and effectually, to execute the purpose aforesaid.

Proprietors of
Salt Works in-
corporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Gilman Taylor, Animi Ruhamah Mitchell, Elisha Pomeroy Cutler, Edward Russell, and Seth Mitchell, with others, their associates, and all persons who may hereafter become partners in said company, be, and they hereby are made and constituted a body politic and corporate, by the name of "The Proprietors of the Salt Works in North Yarmouth," and by that name may sue and

and be sued, in all actions, real, personal, or mixed, to final judgment and execution; and may do and suffer all acts, matters and things, which bodies politic may do and suffer, and may have and use a common seal, and the same may break and alter at pleasure: *Provided however*, that any proprietor alienating his or her share or shares, in said company, shall thereupon, in respect thereto, cease to be a member of said corporation, and the assignee thereof, and his heirs and assigns, shall be in respect thereto, thenceforward a member of said corporation, vested with all the rights, and subject to all the duties, penalties and payments which the assignee thereof was, or might have been vested with, or liable to.

Provide.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on said manufactory and the business aforesaid, and of such personal estate as shall be actually employed therein: *Provided*, such real estate shall not exceed the value of thirty thousand dollars, and the personal estate two hundred thousand dollars.

Corporation may hold real estate,

SECT. 3. *Be it further enacted*, That the property of said corporation shall be, and hereby is divided into sixty shares, and shall be numbered in progressive order, beginning at number one, and every original number thereof shall have a certificate under the seal of the corporation, and signed by the treasurer.

Property divided

SECT. 4. *Be it further enacted*, That the said corporation shall annually elect a clerk, who shall be under oath to the faithful performance of his duty; a treasurer, who shall give bonds in such sum as the corporation shall deem proper, and such other officers, directors, agents, factors and committees, as to said corporation shall appear necessary for the management and government thereof, and each member shall have one vote for every share, not exceeding six; and the said corporation, at any legal meeting may make reasonable rules and by-laws, and the same may repeal at pleasure; *Provided* said rules and by-laws, shall not be repugnant to the constitution and laws of this commonwealth; and provided, that the proprietors of forty shares shall assent thereto.

Provide.

SECT. 5. *Be it further enacted*, That said corporation, at any legal meeting, may from time to time assess upon each share, such sum and sums of money, as shall be judged by said corporation necessary for carrying on said manufactory;

Assessments.

tory;

tory, and defraying the expenses thereof and other charges incident thereto, to be paid to their treasurer at such time or times, or by such instalments as shall be directed by the corporation; and if the sum assessed on any share, shall be in arrear and unpaid, either in the whole or in part, for ten days after the time directed for payment as aforesaid, the treasurer shall have full power and authority to sell such share at public auction to the highest bidder, the time and place of such sale being made public in such manner as said corporation shall have before directed, by some uniform rule or by-law made for that purpose; and upon such sale, the treasurer may execute and acknowledge a legal deed thereof, which deed being recorded by the clerk in a book to be kept for the purpose of recording deeds of transfer, and produced to the treasurer so recorded, he shall give to the purchaser a certificate, executed as aforesaid; and the treasurer shall deduct from the purchase money so much of the said assessment as shall be in arrear, and the reasonable charges of sale, and the residue he shall pay to the delinquent proprietor, or his order, upon demand.

Delinquents.

SECT. 6. *Be it further enacted,* That any three of said proprietors may call the first meeting of the said corporation, to be holden at Seth Mitchell's, innholder, in said North Yarmouth, on the second Monday of March next, they giving notice to every member of the corporation five days at least previous to said meeting; and all future meetings of the said corporation shall be called in such method, and by such officer or officers as the said corporation shall, at their said first meeting, or at any future meeting hereafter direct.

Authority for calling first meeting.

SECT. 7. *Be it further enacted,* That any share may be alienated by the proprietor thereof, by a deed under his hand and seal, and acknowledged before some justice of the peace, and recorded by the clerk; and any new proprietor, on producing to the treasurer such deed so recorded, and delivering up the former certificate, shall be entitled to a new certificate.

Shares transferable.

SECT. 8. *Be it further enacted,* That all dividends of monies arising from the profits of the said manufactory, shall be apportioned upon the several shares equally; that no dividends shall be made, but pursuant to a vote of the corporation, passed at a meeting legally called, and such dividends shall be paid by the treasurer to the proprietors, or their written order on demand.

Dividends equally apportioned.

SECT. 9. *Be it further enacted*, That when any proprietor shall die, possessed of any share or shares in said company, his executor or administrator, upon producing to the treasurer such deceased proprietor's certificate or certificates, shall be entitled to receive a new certificate in form aforesaid, certifying the property of such share or shares, to belong to such executor or administrator, who shall hold such share or shares, as personal estate, of such deceased proprietor, and shall and may sell and dispose of the same at public auction or otherwise, in the same manner as by law he might sell and dispose of any chattles of such deceased proprietor. And such executor or administrator, shall or may execute and acknowledge, a deed or deeds of such share or shares, and the purchaser producing to the treasurer the certificate or certificates, given to such executor or administrator, shall be entitled to receive a new certificate or certificates, executed in the form aforesaid, certifying such share or shares to belong to such purchaser; and such executor or administrator who shall not have sold such share or shares, shall, immediately after the settlement of the estate of such deceased proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

Duty of executor or administrator in case of decease.

SECT. 10. *Be it further enacted*, That this act of incorporation shall continue and be in full force for the term of thirty years from the passing of the same, and no longer.

Term of continuance.

[This act passed Feb. 25, 1807.]

CHAP. LXXIV.

An act to regulate the taking of fish called Alewives, in a part of Kennebeck River.

WHEREAS, the fish called Alewives, are greatly impeded in their passage up Seven Mile Brook, in the town of Vassalborough, by means of seins drawn at the mouth of said brook, in Kennebeck river :

Preamble.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person shall by means of seins, or in any other manner take any of the

Prohibition.

the said fish called Alewives, in the river Kennebeck, at the mouth of Seven Mile Brook, in the town of Vassalborough, or within ten rods above, or sixty rods below the mouth of said Seven Mile Brook, at any time in any week, except between sun rise on Monday, and sun rise on Wednesday in each week; the person so offending, shall forfeit and pay the sum of *ten dollars*, for each and every time they shall draw a sein within the limits aforesaid, on the days hereby prohibited; and *one cent* for each of said fish taken in any other manner, to be recovered by the treasurer of said town, and to the use of the inhabitants of said town of Vassalborough, in an action of debt in any court proper to try the same.

[This act passed *February 25, 1807.*]

CHAP. LXXV.

An act to incorporate the plantation called Medunkook, in the county of Lincoln, into a town by the name of Friendship.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the plantation called Medunkook, in the county of Lincoln, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Friendship, viz.—Beginning at the southerly corner of Waldoborough, and running southerly by the line of the town of Cushing and Medunkook river, so called, to the ocean; thence westerly to Martin's point; thence northerly by the sea shore, until it comes to Goose river, so called; thence up the said Goose river, until it comes to the line running easterly between Waldoborough and Medunkook; thence on said line easterly, to the first mentioned bounds, including also, within said corporation Carver's Island, Crotch Island, and Long Island; and the said town of Friendship is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions, to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth.

SECT. 2. *And be it further enacted*, That either of the Justices of the Peace for the county of Lincoln, is hereby authorized to issue a warrant, directed to some inhabitant

of

Penalty.

Friendship incorporated.

Boundaries.

Justice to issue
warrant.

of the said town of Friendship, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed February 25, 1807.]

CHAP. LXXVI.

An act for fixing the times and places of holding the Court of Probate, within and for the county of Cumberland, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Court of Probate, within and for the county of Cumberland, from and after the first day of May next, shall be holden at the several times and places hereinafter mentioned: *That is to say,* at Brunswick, on the third Wednesday in May, annually; at North-Yarmouth, on the first Tuesday in May annually; at Standish, on the first Wednesday in August, annually; at New-Gloucester, on the first Wednesday in October, annually; at Freeport, on the first Wednesday in November, annually; at Gorham, on the first Wednesday in February, annually; and at Portland, on the second Wednesday of every month in the year, except the month of March, and on the fourth Wednesday of every month in the year, except the months of May, June, and November.

Places and times for holding Court.

SECT. 2. *Be it further enacted,* That when the said times and places shall be found to interfere with the terms, or sessions of other Courts, or when the Judge of said Court of Probate, for the time being, shall be prevented by reason of sickness, inevitable casualty, or other cause, from holding the same at the time prefixed therefor; or when it shall appear to him, to be for the general benefit or the interest of individuals, he shall be, and is hereby fully authorized and empowered, to appoint such other times and places for holding said court, as he shall deem expedient, by giving public notice thereof, or notifying all concerned; and the said court shall, and may be adjourned from time to time; and any suit, process, or proceeding therein, continued to such time and place as the said judge may order and direct; any law to the contrary notwithstanding.

Judge authorized to alter in case of interference.

Laws repealed.

SECT. 3. *Be it further enacted*, That from and after the first day of May next, all laws heretofore made, determining the times and places for holding the Court of Probate, within and for the county of Cumberland, be, and the same are hereby repealed.

[This act passed February 25, 1807.]

CHAP. LXXVII.

An act providing for the cession of one hundred acres of land, on Quaddy Head, to the United States of America.

Land ceded.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a lot of land containing one hundred acres, situate on West Quaddy Head, so called, and lying nearest to the Light-House, which is, or may be erected on that place, be, and the same is hereby ceded and granted to the United States of America, to be used and improved by such person as may from time to time have the employment of keeper of such Light-House.

Condition.

S. CT. 2. *Be it further enacted*, That this cession and grant is on this express condition, that this Commonwealth shall have concurrent jurisdiction with the United States in and over the aforesaid tract of land, so far as that all civil processes, and criminal processes issued under the authority of this Commonwealth, may be executed therein, as though this cession and grant had not been made.

[This act passed February 25, 1807.]

CHAP. LXXVIII.

An act to confirm the doings of a committee appointed to locate the places for the erection of gates on the tenth Massachusetts Turnpike.

Doings of committee confirmed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the doings of a committee appointed by the Court of General Sessions of the Peace, for the county of Berkshire, for locating and fixing the places for the erection of toll gates, on the tenth Massachusetts Turnpike, be, and hereby are confirmed and made valid, any want of formality in the proceedings of the said committee to the contrary notwithstanding.

notwithstanding. And the said toll gates shall in future remain fixed and established as they now stand on the road laid out and made by the tenth Massachusetts Turnpike Corporation, according to the report of a committee appointed by the Court of Common Pleas for the said county, made to the said court on the twenty ninth day of December, one thousand eight hundred and six. *Provided however*, that nothing contained in this act shall be so construed as to exempt the said corporation in future from being subject in all cases to the act, entitled, "An act defining the general powers and duties of turnpike corporations;" passed the sixteenth day of March, one thousand eight hundred and five. Proviso.

[This act passed February 25, 1807.]

CHAP. LXXIX.

An act in addition to an act, entitled, "An act to cede to the United States, the jurisdiction of certain lands for the erection of Light Houses;" passed the twenty-fourth day of June, one thousand eight hundred and six.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if the agent or person employed for the United States, and the owner or owners of such tract of land as shall be found necessary and convenient for such Light House, cannot agree in a sale and a purchase thereof, such agent or person employed, may apply to the Court of Common Pleas, which may at any time be holden, within and for the county of Barnstable, who shall appoint a committee of three disinterested freeholders, to determine a just equivalent, to the owner or owners of such land, which committee shall be sworn to the faithful discharge of their trust; and shall forthwith proceed to view, set off, and appraise such tract of land, and shall make such return of their doings to the same court, as soon as may be, which award and return, being accepted by the said court, and the amount of such appraisement being paid to the owner or owners of land so appraised and set off by such committee; or if the owner or owners shall not appear, or shall refuse to receive such amount of money as the said court shall order, then the amount of the appraisement aforesaid, shall be lodged in the office of the treasurer of the county of Barnstable,

Referees to be appointed.

Barnstable, to be received by the owners or any person legally authorized to receive the same; and the tract of land so appraised and set off, shall be vested in the United States, and shall be taken, possessed and appropriated for the purposes aforesaid; *Provided*, that all charges of such application and appraisement shall be paid by the United States; and *provided*, that the land which may be set off for the purposes aforesaid, shall not exceed the quantity of twelve acres in the whole.

[This act passed February 25, 1807.]

CHAP. LXXX.

An act to incorporate William King and others, into a company, by the name of the Bath Fire and Marine Insurance Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William King, Peleg Tallman, Benjamin Jones Porter, John Richardson, Joshua Wingate, John Peterfon, Mark Langdon Hill, Andrew Greenwood, and Samuel Davis, together with such persons as have already or hereafter may become stockholders in said company, being citizens of the United States, be, and hereby are incorporated into a company by the name of the Bath Fire and Marine Insurance Company, for and during the term of twenty years from the date of this act; and by that name may sue and be sued, plead or be impleaded; appear, prosecute, and defend to final judgment and execution; and have a common seal, which they may alter at pleasure, and may purchase, hold, and convey any estate, real or personal, for the use of said company, subject to the restrictions herein-after mentioned.

SECT. 2. *Be it further enacted*, That a share in the capital stock of said company, shall be one hundred dollars, and the number of shares shall be one thousand, and if the said number of shares are not already filled, subscriptions shall be kept open under the inspection of the president and directors of the said company, until the same shall be filled; and the whole capital stock, estate or property, which the said company shall be authorized to hold, shall never exceed one hundred thousand dollars, exclusive of premium notes, or profits arising from said business, of which capital stock or property,

Proviso.

Persons incor-
porated.

Shares limited.

Amount of cap-
ital stock.

property, twenty thousand dollars only, shall be invested in real estate.

SECT. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine directors, one of whom shall be the president thereof, who shall hold their offices for one year and until others shall be chosen, and no longer; which directors shall, at the time of their election, be stockholders and citizens of this commonwealth, and shall be elected on the first Tuesday of April, in each and every year, at such time of the day, and at such place in the town of Bath, as a majority of directors for the time being shall appoint; of which election public notice shall be given by posting notice thereof in two public places in said town, for the space of fifteen days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors, and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided*, that no stockholder shall be allowed more than twenty votes, and the stockholders not present may vote by proxy, under such regulations as the said company shall prescribe; and if in case of any unavoidable accident, the said directors should, on the said first Tuesday in April, not be chosen as aforesaid, it shall be lawful to choose them on another day in manner herein prescribed.

To be managed
by directors.

Manner of elect-
ing directors.

Provido.

SECT. 4. *Be it further enacted*, That the directors so chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is hereinbefore directed respecting annual elections for directors and president.

Choice of pres-
ident.

SECT. 5. *Be it further enacted*, That the president and four of the directors, (or five of the directors in absence of the president) shall be a board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and

Powers of di-
rectors.

and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary and so many clerks and servants for carrying on said business, and with such salaries and allowances to them, as to the said board shall seem meet; *Provided*, that such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this commonwealth. *Provided also*, that the by-laws so made by the directors, shall be laid before the stockholders at some public meeting called therefor, for their approbation; and the stockholders at any such meeting may disapprove of, alter or amend the same, as they, or a majority of those present may see fit.

Proviso.

Meeting of directors.

To transact all business.

SECT. 6. *Be it further enacted*, That there shall be stated meetings of the directors, at least once in every month, and as often in each month as the president and board of directors shall deem proper; and the president and a committee of three of the directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of directors and the committee aforesaid, at and during the pleasure of said board, shall have power and authority, in behalf of the company, to make all kinds of marine insurance; insurance against fire; insurance on lives, and on inland transportation of goods, wares and merchandize; and generally to transact and perform all the business relating to the objects aforesaid, and to fix the premium and terms of payment, and all policies of insurance by them made, shall be subscribed by the President; or in case of his death, sickness, inability or absence, by any two directors of said company, and countersigned by the secretary, and shall be binding and obligatory on the said company, and the assured may maintain an action upon the case against the said company, and all cases duly arising under any policy so subscribed, may be adjusted and settled by the president and directors, and the same shall be binding on the company.

Dividends.

SECT. 7. *Be it further enacted*, That it shall be the duty of the directors on the first Tuesday of July and January, in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of the said company, as to them shall appear advisable; but the monies received, and the notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as part of the

the profits of the company ; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, each proprietor or stockholder's estate shall be holden accountable for the deficiency that may be due on his share at the time of said loss or losses taking place, to be paid in to the said company by assessments, or such other modes, and at such time or times as the directors shall order ; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital, and that once in every year, and oftener if required by a majority of votes of the stockholders, the directors shall lay before the stockholders at a general meeting, an exact and particular statement of the profits, if any there be after deducting losses and dividends.

SECT. 8. *Be it further enacted*, That the said company shall not, directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandize, or commodities whatsoever ; and the capital stock of said company, shall, within six months after being collected, at each instalment be invested either in the funded debt of the United States, or of this commonwealth, or in the stock of the United States bank, or of any incorporated bank of this commonwealth, at the discretion of the president and directors of said company, or of any committee which the proprietors shall appoint for that purpose.

Stock to be funded.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in said company shall be paid within four months after the first meeting of said company, and the remaining sum due on each share within one year afterwards, at such equal instalments, and under such penalties as the said company shall direct ; and no transfer of any share in said company shall be valid, until all the instalments on such share shall have been paid.

Instalments to be paid.

SECT. 10. *Be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of said company, and the president or directors after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

Estates of directors liable.

SECT. 11. *Be it further enacted*, That the president and directors of said company, shall, previous to their subscribing to any policy, and once in every year after, publish, in two public newspapers the amount of their stock, and against what

To publish amount of stock annually.

what risks they mean to insure, and the largest sum they mean to take on any one risk; *Provided nevertheless*, that the said President and Directors shall not be allowed to take more on any one risk, than *ten per centum* of the amount of the capital stock of said corporation, actually paid in.

SECT. 12. *Be it further enacted*, That no person being a Director in any other company carrying on the business of Marine Insurance, shall be eligible as a Director of the company, by this act established.

Subject to legislative examination.

SECT. 13. *Be it further enacted*, That the President and Directors of said company shall, when, and so often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath.

SECT. 14. *Be it further enacted*, That the persons herein named, or any of them, are hereby authorized to call a meeting of the stockholders of said company as soon as may be, to be holden in Bath, by posting notice of the same in two public places in said town of Bath, fifteen days previous thereto, for the purpose of electing the first board of Directors, who shall continue in office until the first Tuesday of April, in the year of our Lord, one thousand eight hundred and eight.

[This act passed February 25, 1807.]

CHAP. LXXXI.

An act to authorize the Marine Society of the town of Marblehead, to erect Monuments and Land Marks on certain Islands and Rocks on the Sea Coast of the town of Marblehead.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Marine Society of the town of Marblehead, in the county of Essex, is hereby authorized and allowed, after the passing of this act, to set out trees, and to erect monuments or land marks, on Ram Island, Tinker's Islands, Marblehead Rock, and Cat Island Rock, and to preserve the same.

Land Marks.

Penalty for injuring Land Marks.

SECT. 2. *Be it further enacted by the authority aforesaid*, That if any person or persons shall, on said Islands or Rocks, *mar, injure, or deface*, any of the trees or buildings aforesaid, or do any other injury to the aforementioned places or land

land marks, every such person or persons, shall severally forfeit and pay, for each, and every offence, the sum of *twelve dollars*, to the use of the Marine Society aforesaid, to be recovered by special action on the case, before any court proper to try the same.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons shall take away from the Islands and Rocks aforesaid, any earth, stones, or gravel, each and every person so offending, shall forfeit and pay as a fine, to the use of the Marine Society of Marblehead, as aforesaid, the sum of *twelve dollars*, for each ton of *earth, stones, or gravel*, so taken away, and so in proportion for any greater or less quantity, to be recovered as aforesaid.

Penalty for pilfering.

[This act passed *February 25, 1807.*]

CHAP. LXXXII.

An act to alter the names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Mary Ann Avery, daughter of John Avery, late of Boston, in the county of Suffolk, Esquire, deceased, shall be allowed to take the name of Mary Ann Smith Avery; That Tabitha Glover, daughter of Benjamin Stacey Glover, late of Marblehead, in the county of Essex, gentleman, deceased, shall be allowed to take the name of Malvina Tabitha Glover: That Asa Hammond, of Boston, in the county of Suffolk, son of Samuel Hammond, late of Newton, in the Commonwealth of Massachusetts, deceased, shall be allowed to take the name of Samuel Hammond; That Samuel Putnam, lately of Lynnfield, in the county of Essex, now of Salem, in said county, trader, shall be allowed to take the name of Samuel Kimbal Putnam; That Henry Hills, of Boston, in the county of Suffolk, shall be allowed to take the name of Henry Woodbridge Hills; That Mark Farley, of Leominster, in the county of Worcester, student at law, and son of Benjamin Farley, of the state of New-Hampshire, shall be allowed to take the name of Benjamin Mark Farley; That Jeremiah Smith Boies Hubbard, of Milton, in the county of Norfolk, a minor, and son of William Hubbard, Esquire, of New-Brunswick, shall be allowed to

Names altered.

take the name of Jeremiah Smith Hubbard Boies; That John Foster, of Salem, in the county of Essex, a minor, and son of John Foster, of said Salem, shall be allowed to take the name of John Burchmore Foster; That Elizabeth Winslow, of Boston, in the county of Suffolk, single woman, shall be allowed to take the name of Elizabeth Jane Winslow; That Stephen Blyth, of Salem, in the county of Essex, shall be allowed to take the name of Stephen Cleveland Blydon; That Sarah Blyth, of Salem, aforesaid, the wife of said Stephen Blyth, be allowed to take the name of Sarah Blydon; That Lucy Cleveland Blyth, of Salem, aforesaid, and daughter of said Stephen Blyth, shall be allowed to take the name of Sarah Cleveland Blydon; That William Cleveland Blyth, of Salem, aforesaid, and son of said Stephen Blyth, shall be allowed to take the name of William Cleveland Blydon; That Joseph Pike, of Newburyport, in the county of Essex, and son of Nicholas Pike, of said Newburyport, shall be allowed to take the name of Joseph Smith Pike; That Joseph Pike, of Newburyport, aforesaid, and son of John Pike, of Somersworth, in the county of Stafford, and state of New-Hampshire, shall be allowed to take the name of Joseph Trevet Pike; That Hezekiah Stone, of Rutland, in the county of Worcester, gentleman, shall be allowed to take the name of Hezekiah Fletcher Stone; That Alpheus Stone, of Greenfield, in the county of Hampshire, physician, shall be allowed to take the name of Alpheus Fletcher Stone; That Samuel Foster, of Newburyport, in the county of Essex, merchant, shall be allowed to take the name of Samuel H. Foster; That John Buffinton Snupe, of Beverly, in the county of Essex, merchant, shall be allowed to take the name of John Buffinton; That Samuel Lee, a minor, and son of Jonas Lee, of Concord, in the county of Middlesex, shall be allowed to take the name of Samuel Cordis Lee; That Samuel Willard, of Boston, in the county of Suffolk, and son of the late President Willard, of Cambridge, in the county of Middlesex, shall be allowed to take the name of Samuel Sheaf Willard; That Francis Jones, of Sandwich, in the county of Barnstable, merchant, be allowed to take the name of Francis Freeman Jones; That Catharine Low, of Chelmsford, in the county of Middlesex, single woman, be allowed to take the name of Catharine Mary Gibson; and Samuel Loud, of Weymouth, be allowed to take the name of Samuel Prince Loud; and that said persons shall in future be respectively known and called by the names which they are respectively allowed to take as aforesaid;

aforesaid; and the same shall be considered as their only proper names, to all intents and purposes.

[This act passed *February 27, 1807.*]

CHAP. LXXXIII.

An act to incorporate fundry persons for the purpose of establishing a Ferry over Penobscot river, at Fort-Point.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Daniel Johnston, Joshua Woodman, Bradshaw Hill, Joseph Perkins, Job Nelson, Doty Little, Silvanus Upham, John Perkins, Thomas Adams, and such other persons as have associated or may associate with them for the purpose of establishing and supporting a Ferry, from a place called Fort-Point, in the town of Prospect, across Penobscot river, in the best direction to the town of Penobscot, shall be a corporation and body politic, by the name of "The Proprietors of Fort-Point Ferry, on Penobscot river;" and shall so continue for the term of ten years, and from and after the passing of this act; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and shall do and suffer all other matters and things which bodies politic and corporate may do and suffer; and the said corporation shall have full power and authority to establish and maintain a Ferry at the place aforesaid, for the term aforesaid, for the purpose of transporting across said river, such travellers, with their horses, cattle, teams, carriages, goods, and effects, as may be disposed to pass the aforesaid Ferry, and to take and receive to their own use, such toll or ferriage, as shall be ordered and established, as in and by this act is herein after provided; and to purchase and hold real estate on both sides of the said river, for the accommodation of the said Ferry; and also to make, have, and use a common seal, and the same to break, alter, and renew at pleasure.

Persons incorporated.

Powers of the Corporation.

SECT. 2. *Be it further enacted,* That the ways for said Ferry, on each side of said river, commonly called the Ferry-ways, shall be well and sufficiently made, and secured with proper materials, and of sufficient width; and the said corporation shall provide good, safe, and sufficient boats, and assistants, for transportation of passengers, as also their horses, cattle, teams, carriages, goods and effects, and the

Boats to be provided.

rates

rates of toll or ferriage, shall be established from time to time by the Court of General Sessions of the Peace, for the county of Hancock, in the same manner as the toll or ferriage is or may be established for other ferries in said county, and subject to the same orders and regulations.

Property divid-
ed into shares.

SECT. 3. *Be it further enacted*, That the property and interest of the said corporation, may and shall be divided into such a number of shares as the said proprietors may order and appoint, at any meeting to be called for that purpose, and the said property and interest shall be deemed, held, and taken to be personal estate, and transferable accordingly, in such form and manner as the said corporation may direct and appoint; and the said corporation shall have power to assess upon each share, such sums of money as may be deemed necessary for establishing and maintaining the said Ferry, and for making the necessary purchases of real or personal estate, and for the improvement and good management of the said property and interest, and may sell and dispose of the share or shares of any delinquent proprietors for the payment of assessments, in such way and manner as the said corporation, by their rules and regulations may determine and agree upon.

Assessments.

Proprietors to
vote in propor-
tion to shares
held.

Proviso.

SECT. 4. *Be it further enacted*, That each proprietor, or his agent duly authorized in writing, shall have right to vote in all meetings of the said corporation, and be entitled to as many votes as he holds shares; *Provided*, that no person shall be entitled to more than ten votes; and that a meeting of said corporation shall be holden at the house of Capt. John Perkins, in Castine, on Monday, the thirtieth day of March next, for the purpose of choosing a President, Treasurer, and Clerk, and such other officers as shall be deemed necessary; and also to agree upon a mode of calling meetings of the said corporation thereafter, and that the said several officers shall be chosen annually, by a majority of votes, and that the day of said annual election, shall be established at the first meeting, subject nevertheless, to be altered at any subsequent meeting; and the President and Clerk of the said Corporation shall sign the certificates of the shares of the said proprietors, and the said clerk shall be sworn to the faithful discharge of his said office, before entering on the duties thereof.

Meetings to be
called.

[This act passed February 27, 1807.]

CHAP. LXXXIV.

An act to incorporate the plantation of Hiram, into a district by the name of Hiram, in the county of Oxford.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the territory described within the following bounds, viz. Beginning at a baswood tree, on the bank of Ossipee river, the corner of the plantation of Porterfield, and running northwardly by the line of said plantation, seventeen hundred and seventy rods, to a stake and stones; thence south, eighty three degrees east, two hundred and thirty rods, to a stake and stones, a corner of Brownfield; thence north, sixty degrees east, four hundred and eighty rods, to Saco river; thence across the said river, south, eighty seven degrees east, one thousand six hundred and ten rods, to a hemlock tree marked, on Baldwin's line; thence south, sixty degrees west, by Baldwin's line, nine hundred and thirty rods, to the corner of Prescott's Grant; thence south, thirty degrees east, three hundred and fifty-one rods, to a tree marked thus, H P; thence south sixty degrees west, five hundred and fifty one rods, to Saco river; thence down in the middle of Saco river, to great Ossipee river; thence up said Ossipee river to the first bound; together with the inhabitants thereon, be, and hereby are incorporated into a district by the name of Hiram, in the county of Oxford aforesaid; and the said district of Hiram is hereby vested with all the powers, privileges and immunities, which towns in this commonwealth do or may enjoy, excepting the privilege of sending a representative to the General Court; and the inhabitants of said district shall have liberty to join with the inhabitants of Brownfield aforesaid, in choosing a representative, and shall be notified of the time and place of election, by a warrant from the selectmen of said Brownfield, directed to a constable of said district, requiring him to warn the inhabitants of said district to attend the meeting at the time and place appointed, which warrant shall be duly returned by said constable, and the representative may be chosen from the said town or district, and the pay or allowance to be borne by the town and district, in proportion as they shall from time to time pay to the State tax.

Boundaries

Brownfield and Hiram to unite in choosing a representative.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That any justice of the peace for said county of Oxford,

Justice to issue his warrant,

Feb. 27, An. 1807.

Oxford, upon application therefor, is hereby empowered to issue his warrant, directed to some suitable inhabitant of said district of Hiram, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose, at their annual town meetings.

[This act passed Feb. 27, 1807.]

CHAP. LXXXV.

An act, in addition to sundry acts, establishing and regulating the Essex Turnpike Corporation, and the Andover and Medford Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Andover and Medford Turnpike Corporation, and the proprietors of the Essex Turnpike Corporation, be, and they hereby are authorized to unite their toll gates near the line of the two counties of Essex and Middlesex, where the said two turnpike roads meet, and at some such convenient place near said point of meeting, as shall be approved by the commissioners appointed to inspect and approve said roads, and to receive such toll, and such proportion to each corporation, as may be determined by said commissioners in conformity to the several acts and resolves relating to the said corporation.

[This act passed February 27, 1807.]

CHAP. LXXXVI.

An act for erecting a Bridge across Kenduskeig stream, in the town of Bangor.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said town of Bangor be authorized to build and maintain a bridge over the Kenduskeig, from the county road, on the northerly side of said stream, to the landing, on the southerly side thereof, near the house of William Hammond.

SECT.

SECT. 2. *Be it further enacted,* That for the reimbursing to the said town of Bangor, the money that may be expended in erecting, and supporting said bridge, a toll is hereby granted, to the sole benefit of the said town of Bangor, according to the rates following, to wit: For every foot passenger, one cent; for every man and horse, four cents; for every two wheeled carriage for the conveyance of persons, ten cents; for every market cart, drawn by one beast, six cents; for every cart or waggon, drawn by two oxen or horses, ten cents; for every cart or waggon drawn by more than two oxen or horses, twelve and an half cents; for for every four wheeled carriage for the conveyance of persons, twenty-five cents; for every sled or sleigh, drawn by one beast, four cents, and if drawn by more than one beast, eight cents; for all cattle, horses or mules, led or driven, beside those in carriages, or for the use of riders, one cent each; for all swine or sheep, at the rate of three cents by the dozen: *Provided however,* the said toll shall not be demanded or received of any person going to or from public worship, school, or on military duty, or of any person passing to any part of his farm, or his ordinary business.

Toll granted.

Rates of.

SECT. 3. *Be it further enacted,* That it shall be lawful for the said town of Bangor, at their annual meeting in March, notice thereof being given in the warrant for calling said meeting, to suspend or reduce all or any part of said toll, for the benefit of the public, the said town, or any individual, for one year from the said meeting; and to commute the toll of any individual or corporation, by receiving an annual sum in lieu of the legal toll.

Town may suspend or commute the toll.

SECT. 4. *Be it further enacted,* That the said toll shall begin whenever the bridge shall be completed and fit for passing, and shall continue to the said town of Bangor, for the term of ten years: *Provided however,* that if the said town shall think it necessary to discontinue the same at any time within the said term of ten years, the same shall be discontinued.

Term of continuance of the toll.

SECT. 5. *Be it further enacted,* That the said bridge shall be well built, of good and suitable materials, and at least twenty feet in width, with sufficient railings on each side for the safety of passengers, and shall be kept in good, safe, and passable repair; and if the said town shall unreasonably neglect to keep the same in good repair, as aforesaid, on such neglect being made to appear to the Court of General Sessions of the Peace for the county of Hancock, it shall be

Bridge to be well built and kept in repair.

in the power of said court to prohibit the said town from receiving toll, until it is put in repair, and deemed sufficient by said court; and when it shall cease to be a toll bridge, it shall be supported by the said town, in the same manner as other bridges on county roads are supported, and the said town shall be subject to the same penalties in case of neglect. [This act passed *February 27, 1807.*]

CHAP. LXXXVII.

An act to incorporate a part of the plantation of Porterfield, in the County of Oxford, with the town of Brownfield.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land, described within the following bounds, be, and hereby is annexed to, and shall in future form the town of Brownfield, viz. Beginning at a pine tree, on the bank of Saco river, thence south sixty degrees west, four hundred and eighty rods, to a stake and stones, making the southwest corner of Brownfield; thence north, eighty-three degrees west, one thousand five hundred and thirty rods, to New Hampshire line, to a stake and stones; thence northwardly, by the line of New Hampshire, to the corner of Fryeburg; thence north, seventy-seven degrees east, nine hundred and eighty rods, to a stake and stones, the corner of Fryeburg; thence north, forty-three degrees east, forty rods, to Saco river; thence across said river by Fryeburg line, to Pleasant Pond; thence eastwardly by said Pond, to a maple tree; thence south, twelve degrees east, eight hundred and fifteen rods, to Saco river, to a pine tree, marked; thence by a line drawn on the middle of Saco river, to the first mentioned bounds.

[This act passed *Feb. 27, 1807.*]

CHAP. LXXXVIII.

An act for incorporating certain persons for the purpose of building a Bridge over Charles River, by the name of the Canal Bridge, and for extending the interest of the Proprietors of West Boston Bridge.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the

Part of Porterfield annexed to Brownfield.

the same, That John C. Jones, Loammi Baldwin, Aaron Dexter, Benjamin Wild, Joseph Coolidge, jun. Benjamin Joy, Gorham Parsons, Jonathan Ingersol, John Beach, Abijah Cheever, William B. Hutchins, Stephen Howard, and Andrew Cragie, with all those who are or who may be associated with them, for the purpose of erecting a bridge and causeway, in manner hereinafter described, from the north-westwardly end of Leverett street, in Boston, to Lechmere's Point, in Cambridge, and Barrell's Point, in Charlestown, be, and they hereby are made and constituted a corporation, and body politic, by the name of the Proprietors of the Canal Bridge; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and do and suffer all other acts and things which bodies politic may or ought to do and suffer; and that said corporation shall and may have full power and authority to make, have, and use, a common seal, and the same to alter and renew at pleasure; and shall also have power to choose nine directors, and a president and secretary, treasurer, and such other officers as may be necessary at such time and place, and in such manner as said corporation at any legal meeting of the members thereof may think proper to direct; and said corporation shall also have power to make all necessary and proper rules, regulations, and by-laws, not repugnant to the laws and constitution of this commonwealth, and especially for the transferring of shares, and for the sale of the shares of delinquent proprietors.

Persons incorporated.

Powers of the corporation.

SECT. 2. *And be it further enacted*, That the interest in said bridge and causeway, shall be divided into twelve hundred shares, and that one third part shall be held by, and shall be subscribed for, by individuals who are proprietors in the Middlesex Canal Corporation, and that one third part thereof shall be subscribed for and held by individuals who are proprietors in the Newburyport Turnpike Corporation; and that the remaining one third part shall be subscribed for and held by Andrew Cragie, Esq. and his associates; provided all the said shares shall be so subscribed for within sixty days from the passing of this act; and if at the expiration of said number of days, any shares shall remain unsubscribed for, in either of the aforesaid divisions, such remaining shares shall be equally subscribed for and held by the persons associated under the two other divisions of associates; provided such shares be so subscribed for within thirty days next following the expiration of

Division of shares.

sixty days ; and if not so subscribed for within said thirty days, the same or any remaining portion thereof may be subscribed for and held without regard to this division of interest ; and no person who becomes a member of this corporation, under either one of said divisions of interest, shall be permitted to subscribe for shares in either of the other divisions, unless they be such shares as may remain unsubscribed for after the expiration of the aforesaid periods.

SECT. 3. *And be it further enacted,* That the said bridge and causeway shall be erected from the northwestwardly end of Leverett street, in the direction of said street, by the Alms House fence, to the east end of Lechmerc's Point, and from thence to Barrell's Point, in Charlestown. And the corporation to be created by this act, shall also lay out and make, or cause to be laid out and made, a good and sufficient road, from Barrell's Point, aforesaid, in the most convenient line, to Page's tavern, in Charlestown.

SECT. 4. *And be it further enacted,* That the said bridge may be erected and made of wood, and the piers of wood or stone, in all parts of the channel of Charles river, through which it may be built ; and that the residue thereof may be constructed of stone, timber and earth : *Provided always,* that there be made proper and sufficient passages for the water of said river ; and there shall be made and kept two sufficient draws, or passage-ways, at least thirty feet wide, suitable and proper for the passing and repassing of vessels at all times, toll free ; and that there be built and kept in good repair, a substantial and sufficient pier on each side of said draws, of one hundred and fifty feet in length, for the use of vessels in passing through ; and the inside of said draws, and the front of said piers, shall be planked with good pine plank, of not less than three inches thick, and placed horizontal on the same, to be secured with trunnels ; the said draw and piers to be so planked from the surface of the water, at low water, to the top of said piers, and in the draw, to the under side of the same ; and that the said bridge shall not be less than forty feet wide, with sufficient railings on each side, with a foot-way, divided on each side from the carriage-way on said bridge, by proper railing ; and that there shall be a suitable number of lamps put up on said bridge and causeway, not more than fifty feet distant from each other, and kept burning until midnight. *Provided however,* that the leaves of said draws may be reduced in length, so that

Places from and to where the bridge is to be built.

Materials.

Proviso.

Draws.

Materials and manner of building the bridge.

that the travelling path over the same shall not be less than twenty feet.

SECT. 5. *And be it further enacted*, That the rates of toll on said bridge, shall be the same as are now by law demandable for passing over Charles river bridge, which rates of toll shall be written on a sign board, in large or capital letters, and such sign board shall be kept constantly exposed to view, over the doors of such toll-houses as may be erected on said bridge. Rates of toll.

SECT. 6. *And be it further enacted*, That the proprietors of the Middlesex Canal Corporation, shall have full right and lawful authority, to erect, or cause to be erected, on either side, or on both sides of said bridge, in such manner as they may think best, and at their own proper cost and expense, all such locks, and other works, as may be necessary and convenient for the conducting the boats, rafts, and floats of said proprietors, or others, using said canal, by the sides of said bridge and causeway, at all times, the whole length of said bridge and causeway, as well towards the town of Boston, as from the said town, free from all toll and charge: *Provided*, the said proprietors of the Middlesex Canal do not obstruct in any manner the passing on said bridge, or through the draws thereof. Canal corporation to have authority to erect locks, &c.

SECT. 7. *And be it further enacted*, That the said proprietors of the Middlesex Canal, be, and they hereby are authorized and empowered to erect such dam, or other works, northwardly of the line drawn from said Lechmere's Point, and westwardly of said bridge and causeway, as may be necessary and proper, for retaining the water for the boats of said canal to pass on. — to make a dam.

SECT. 8. *And be it further enacted*, That at all legal meetings of the members of the corporation, erected and constituted by this act, the concerns of said corporation shall be decided by the majority of votes, and each member present shall be permitted to give one vote for every share whereof he is proprietor, unless he be proprietor of more than twenty shares, and one vote for every five shares above, and absent members of said corporation, may vote by proxy, authorized in writing. Majority of votes to decide in legal meetings.

SECT. 9. *And be it further enacted*, That whenever any five members shall, in writing, request the president to call a meeting of the members of said corporation, hereby erected, he shall cause a meeting to be notified, in the manner which may have been agreed upon for calling meetings of said corporation,

Term of continuance.

SECT. 10. *And be it further enacted,* That the proprietors of the said canal bridge and caufeway, fhall continue to be a corporation and body politic, for and during the term of feventy years, to be computed from the day of completing said bridge and caufeway, and opening the fame for paffengers; and at the expiration of the said term of feventy years, said canal bridge and caufeway fhall revert to, and be the property of the commonwealth, and fhall be furrendered in good repair.

Act void in cafe.

SECT. 11. *And be it further enacted,* That if the said corporation fhall neglect or refufe to complete the said bridge and caufeway, for the fpace of five years from the paffing of this act, then this act fhall be void, and of no effect.

Meeting of proprietors for certain purpofes.

SECT. 12. *And be it further enacted,* That John C. Jones, Gorham Parfons, and Andrew Cragie, may call a meeting of said proprietors and their associates, hereby incorporated, for the purpofe of deciding on the manner of fubfcribing and holding the fhares in this corporation, agreeably to the provifions of the fecond fection of this act, and for any other purpofes; and the manner of calling said meeting, fhall be by publifhing, in any three of the Boston Newfpapers, an advertifement of the time, place, and purpofes of the meeting; the firft publication whereof fhall be twenty days before the time of meeting.

Proprietors of Newburyport turnpike empowered.

SECT. 13. *And be it further enacted,* That the proprietors of Newburyport turnpike, be, and they are hereby authorized and empowered to continue and extend their road from Malden bridge, to the bridge herein authorized to be erected, and to take and appropriate, for the purpofe of making fuch part of said road, any lands through which the fame may run, on the like terms and conditions, and in like manner as by law they were authorized to do through lands in which the said turnpike now runs: *Provided however,* that if the said Newburyport turnpike corporation fhall neglect to make and extend their road from Malden bridge, to the said canal bridge, for the fpace of five years, from and after the paffing of this act, then this provifion fhall be void and of no effect.

Provifo.

Proprietors to pay a premium to veffels paffing the draws.

SECT. 14. *And be it further enacted,* That the proprietors of said bridge fhall pay to the mafter of every veffel that fhall be loaded in whole, or to the amount of one half of her burthen, and of more than twenty tons, register meafure, that fhall paff up through either of said draws, for the purpofe of unloading her cargo, ten cents a ton, for each

each and every ton said vessel shall measure ; and it shall be lawful, at any period after two years, from the time said bridge shall be open for passengers, for any party interested, to make application to the Governor, who, with the advice of Council, is hereby authorized, upon such application, in writing, desiring that a revision of said premium of *ten cents*, as aforesaid, may be made, to appoint three impartial men to hear the parties, examine the premises, and increase or diminish said premium of *ten cents*, as they shall think just and reasonable, and their award, signed by them, or a major part of them, signed, sealed, and certified, to the Governor, and by him published, shall be binding upon all parties, and shall be the sum thereafter to be paid, and in like manner, and by similar application and process, the same premium may be increased or diminished, at the expiration of every two years successively, during the continuance of this act.

Subject to a revision.

SECT. 15. *And be it further enacted*, That the said corporation shall be holden to pay to the proprietors of West-Boston bridge, *three hundred and thirty-three dollars and thirty-three cents*, for each and every year that both said corporations shall exist. *And be it further enacted*, That a lock, draw, or sluice-way, shall be made in that part of the bridge or dam between Lechmere's Point, and Barrell's Point, at least twenty-seven feet wide, which shall be opened and lifted at all times, free of expense, by said proprietors, for vessels, boats, and rafts to pass, and that nothing contained in this act, shall go to destroy or impair any rights or privileges already granted to the Prison Point Dam Corporation.

Annual sum to be paid the proprietors of West-Boston Bridge.

SECT. 16. *Be it further enacted*, That the proprietors of the West-Boston bridge shall continue to be a corporation and body politic, for and during the term of seventy years, from the time of erecting and completing the said Canal Bridge, subject to all the conditions and regulations prescribed in an act, entitled, An act for incorporating certain persons for the purpose of building a bridge over Charles River, from the westerly part of Boston to Cambridge, and for extending the interest of the proprietors of Charles River Bridge, for a term of years, and the several acts in addition thereto ; and during the aforesaid term of seventy years, the said proprietors of the West-Boston bridge, shall and may continue to collect and receive all the toll granted by the aforesaid act, and the several acts in addition thereto ; *Provided however*, they shall also continue

Term of continuance of West-Boston Bridge corporation.

Proviso.

to pay annually to Harvard College, the sum of *six hundred and sixty-six dollars and sixty-six cents*; and at the expiration of said term of seventy years, said West-Boston bridge shall revert to, and be the property of the Commonwealth, and shall be surrendered in good repair.

Conditions of
this act.

SECT. 17. *Provided always, and be it further enacted, That* this act shall be of no avail or effect, and that the privileges and authority herein and hereby vested, shall never be exercised by the persons herein named, or by any other person or persons, until a release and discharge of all the covenants of warrantee contained in the deed of James Prescott, Joseph Hofmer, and Samuel Thatcher, Esq. unto Andrew Cabot, and his assigns, shall be made and obtained from Andrew Cragie, or the person or persons who are legally authorized to make such release and discharge, so that the said Commonwealth, and all and every person or persons, acting in their behalf, may be forever released, exonerated, and discharged, from all of said covenants, and from all damages, claim of damages, or cost, which have been, or shall hereafter be incurred, either in law or equity, by reason of said covenants of warrantee, or any other covenants in the same deed; said release and discharge to be made to the acceptance and satisfaction of His Excellency the Governor, with the advice of Council: *And provided also*, that this act, and every part thereof, shall be void, and of none effect, unless such release and discharge, duly executed, acknowledged, and recorded, to the satisfaction of the Governor and Council, shall be made, and filed in the office of the Secretary of the Commonwealth, within one year from and after the passing of this act.

Penalty in cases
of neglect to
open the draws.

SECT. 18. *Be it further enacted, That* in case the proprietors of said Canal Bridge, or any toll-gatherer, or officer, by them appointed, shall neglect or refuse to open the draws of said Bridge, at any time, by night or by day, or unnecessarily detain any vessel, about to pass through the same, the said proprietors shall forfeit and pay for every such refusal, neglect, or unreasonable detention, a sum not exceeding *fifty dollars*, nor less than *twenty dollars*, to be recovered by the master or owner of such vessel, in any court proper to try the same.

[This act passed February 27, 1807.]

CHAP. LXXXIX.

An act to incorporate Joseph Williams, John Balch, and others, into a company, by the name of The Union Marine and Fire Insurance Company, in Newburyport.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Williams, John Balch, and others, and such persons as have already or hereafter shall become stockholders in said company, being citizens of the United States, be, and hereby are incorporated into a company and body politic, by the name of The Union Marine and Fire Insurance Company, in Newburyport, for and during the term of twenty years after the passing of this act; and by that name, may sue and be sued, plead or be impleaded; appear, prosecute, and defend, to final judgment and execution; and have a common seal, which they may alter at pleasure, and may purchase, hold, and convey any estate, real or personal, for the use of said company, subject to the restrictions hereinafter mentioned.

Persons incorporated.

SECT. 2. *Be it further enacted,* That a share in the capital stock of the said company, shall be *one hundred dollars*, and the number of shares shall not be less than one thousand, nor more than two thousand, and if the said number of shares are not already filled, subscriptions shall be kept open under the inspection of the President and Directors of the said company, until the same shall be filled; and the whole capital stock, estate or property, which the said company shall be authorized to hold, shall never exceed *two hundred thousand dollars*, exclusive of premium notes, or profits arising from said business, of which capital stock or property, a sum not exceeding *thirty thousand dollars*, shall be invested in real estate.

Shares limited.

Amount of capital stock.

SECT. 3. *Be it further enacted,* That the stock, property, affairs and concerns of said company, shall be managed and conducted by thirteen Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which Directors shall, at the time of their election, be stockholders and citizens of this Commonwealth, and not Directors in any other company carrying on the business of Insurance, and shall be elected on the first Tuesday in January, in each and every year, at such times of the day, and at such places in the town of Newburyport, as a majority of the Directors

Concerns of the company to be managed by Directors.

Manner of electing Directors.

for

for the time being shall appoint; of which election, public notice shall be given in all the newspapers which are at the time printed in Newburyport, and continued for the space of twenty days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided*, that no stockholder shall be allowed more than twenty votes, and the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe.

Choice of President.

SECT. 4. *Be it further enacted*, That the Directors chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and until another shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability to serve, of the President or any Directors, such vacancy or vacancies shall be filled for the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Directors empowered.

SECT. 5. *Be it further enacted*, That the President and six of the Directors, (or seven of the Directors in the absence of the President) shall be a board competent to transact business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, effects, and estate of said company, and the transfer of shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, as to the said board shall seem meet; *Provided*, such by-laws, rules and regulations, shall not be repugnant to the Constitution or Laws of this Commonwealth.

Proviso.

SECT. 6. *Be it further enacted*, That the President shall not receive any compensation for his services, unless by consent of a majority of the stockholders of said company.

SECT.

SECT. 7. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and board of Directors shall deem proper; and the President and a committee of three Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of Directors and the committee aforesaid, at and during the pleasure of the said board, shall have power and authority, in behalf of the company, to make insurance upon vessels, freight, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon bottomry, and respondentia; and when the capital stock or fund of said company shall amount to the sum of *two hundred thousand dollars*, and not before, shall also be authorized to make insurance on any mansion house, or other building, and on the goods and property therein contained, against damage arising to the same by fire, originating in any cause except that of design in the insured; and to fix the premiums and terms of payment, and all policies of insurance by them made, shall be subscribed by the President; or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company, and the assured may thereupon maintain an action upon the case against the said company, and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and board of Directors, and the same shall be binding on the company.

Meeting of Directors.

Committee of Directors to be appointed.

Powers of Directors.

SECT. 8. *Be it further enacted*, That it shall be the duty of the Directors on the second Tuesday of June and December, in every year, to make dividends of so much of the interest arising from the capital stock, and profits of the said company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks which shall be outstanding at the time of making such dividends, shall not be considered as part of the profits of the company; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, before all the instalments are paid in, each proprietor's or stockholder's estate, shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid in to the said company by assessment,

Dividends.

vestment, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every two years, and oftener, if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Stock to be funded.

SECT. 9. *Be it further enacted*, That the said company shall not, directly or indirectly, deal or trade, in buying or selling any goods, wares, or merchandize whatsoever; and the capital stock of said company, after being collected, at each instalment, shall, within six months, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated bank in this Commonwealth, at the discretion of the President and Directors of said company, or of other officers which the proprietors shall for such purpose appoint.

Instalments to be paid.

SECT. 10. *Be it further enacted*, That fifty dollars on each share in said company shall be paid within sixty days after the first meeting of the said company, and the remaining sum due on each share within one year afterwards, at such equal instalments, and under such penalties as the said company shall direct; and no transfer of any share shall be permitted, or be valid, until the expiration of one year after the first instalment shall have been paid.

Members, property liable to attachment.

SECT. 11. *Be it further enacted*, That the property of any member of said company, vested in the stock of said company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, viz:—In addition to the summons by law prescribed, to be left with the defendant, a like summons shall be left with the secretary of said company, and the debtor's share or shares in the said company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares not noted in the books of the company previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any stockholder in said company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed, where personal estate is taken in execution;

execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the secretary of said company, and the purchaser shall thereupon be entitled to the reception of all dividends and stock, which the debtor was previously entitled to; and upon any attachment being made, or execution levied on any shares in said company, it shall be the duty of the secretary of said company, to expose the books of the company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said company, and the amount of the dividends due thereon.

SECT. 12. *Be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of the said company, and the President or Directors after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed. Estates of Directors liable.

SECT. 13. *Be it further enacted*, That the President and Directors of said company, shall, previous to their subscribing any policy, and once in every year after, publish, in all the newspapers printed at the time in Newburyport, the amount of their stock; against what risks they mean to insure, and the largest sum they mean to take at any one risk. Amount of stock to be published.

SECT. 14. *Be it further enacted*, That the President and Directors of said company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath. Subject to Legislative examination.

SECT. 15. *And be it further enacted*, That Joseph Williams, and John Balch, are hereby authorized to call a meeting of the members of said company, as soon as may be, in Newburyport, by advertising the same for three weeks successively, in the newspapers printed in said town, for the purpose of electing the first board of Directors, who shall continue in office until the first Tuesday of January next, following, and until others are chosen in their room. Meeting to be called.

SECT. 16. *And be it further enacted*, That the said President and Directors shall not be allowed to insure, on any one risk, a larger sum than *ten per centum* of the amount of the capital stock of said corporation, actually paid in. Insurance limited.

SECT.

SECT. 17. *Be it further enacted*, That nothing in this act, shall prevent any future Legislature from altering, and amending it in any part.

[This act passed *February 27, 1807.*]

CHAP. XC.

An act confirming the doings of the Court of General Sessions of the Peace, for the county of Hampshire, respecting the location of the Fourteenth Massachusetts Turnpike Road, and empowering said court to determine by a jury, or a new committee, the damages, the owners of lands over which said road is located, have sustained by laying out the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the doings of the Court of General Sessions of the Peace, for the county of Hampshire, respecting laying out the Fourteenth Massachusetts Turnpike Road, and assessing damages to owners of lands over which said road is located, be, and they hereby are confirmed and made valid, notwithstanding any informality respecting the same. *Provided however*, that the owner or owners of land over which said road has been located, or any of them, shall be entitled to the right of trial by jury, for any damages which they may have sustained by laying out said road, or by a new committee if the parties shall agree, if said owner or owners, or any of them, shall apply for a jury at the first Court of General Sessions of the Peace, to be holden in said county, next after passing this act, and not otherwise, in the same manner they would have been entitled, if they had applied at the first Court of General Sessions of the Peace, holden in said county next after the acceptance of the report of the committee who located said road, any thing in this, or any former act to the contrary notwithstanding.

Doings of court confirmed.

Proviso.

[This act passed *February 27, 1807.*]

CHAP. XCI.

An act in addition to an act, entitled, “ An act to incorporate Rufus Davenport, and others, by the name of the Cambridge Port Aqueduct Corporation.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the the same, That the Cambridge Port Aqueduct Corporation, may be, and hereby is authorized and empowered to purchase, hold, and use, in such manner, and for such purposes, as are described in the act to which this is an addition, a certain piece or parcel of land, supposed to contain springs, on or by the hills near the house of Mr. Peter Tufts, in Medford; and the said corporation may also purchase and hold in manner aforesaid, one or more piece or pieces of land which the said corporation shall require; *Provided*, that all the land so purchased and holden by said corporation, shall not in quantity exceed six hundred feet square; and for the purposes aforesaid, a meeting of the proprietors may be called and held, in the manner provided in the act to which this is an addition.

Empowered to purchase and hold lands.

[This act passed February 27, 1807.]

CHAP. XCII.

An act to incorporate Benjamin Lincoln, and others, into a Society, for the purpose of building a Meeting-House, for public religious worship, in the north parish of Hingham, in the county of Plymouth.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Lincoln, Nathan Rice, Abner Lincoln, and Levi Lincoln, junior, their associates and successors, be, and they hereby are constituted and made a corporation and body politic, by the name of the New North Meeting-House Corporation; shall, by that name, sue and be sued, shall have a common seal, and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient for the government of said corporation: *Provided*, such by-laws and regulations shall be in no wise contrary to the Laws and Constitution of this Commonwealth; may purchase and hold land for the erection of a house

Persons incorporated.

Provifo.

house for public worship thereon ; shall have power from time to time, to raise money to keep the same in repair ; and may purchase, receive by gift and devise, and hold real and personal estate, the annual income of which shall not exceed the sum of one thousand dollars, for the purpose of building a meeting house, and supporting public worship therein.

Property of the corporation divided into shares.

SECT. 2. *Be it further enacted*, That the property of said corporation shall be divided into such a number of shares, as the proprietors shall agree upon ; *Provided*, that the number shall, in no case, exceed one hundred ; and the same shall be considered personal estate ; and the certificates of such shares, and of all transfers of the same, shall be recorded in the books of the town clerk of Hingham, and shall be numbered from one, upwards, and the number which each certificate shall bear, shall designate the pew to which the proprietors who shall hold the said certificate, shall be entitled.

Pews to be sold at auction.

SECT. 3. *Be it further enacted*, That within fourteen days after the said house shall be finished, the clerk of said corporation shall advertise the pews for sale, at public auction, among the proprietors only, first giving seven days notice of the time and place of sale, by posting notifications thereof at the said meeting house ; and each proprietor shall have a right to purchase as many pews as he holds shares, in the said corporation, and no more.

Shares of delinquent proprietors to be sold.

SECT. 4. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, duly voted, for the purpose of this corporation, to the treasurer thereof, within thirty days after the same shall be made payable, the said treasurer is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, to defray such assessment, and all necessary charges, after giving notice, thirty days at least before such sale, by posting notifications at the said meeting house, and at two or more public places, within the said town of Hingham, of the time and place of sale, and of the causes thereof ; and the purchaser or purchasers, under any such sale, shall receive from the clerk, executed in the manner hereinafter prescribed, a certificate or certificates, of such share or shares as he shall purchase as aforesaid, and shall thereby have and hold all the estate, right, title and interest, which such delinquent proprietor possessed in such share or shares, and in the pew or pews designated by the number or numbers of such share or shares ; and after deducting such assessments, and necessary

fary charges, the overplus, if any, shall be paid to the said delinquent, by the treasurer, on demand.

SECT. 5. *Be it further enacted,* That each proprietor or his agent, duly authorized in writing, shall have a right to vote in all meetings of said corporation, and be entitled to as many votes as he has shares: *Provided,* that no person shall be entitled to more than five votes.

Every proprietor entitled to vote.

SECT. 6. *Be it further enacted,* That a meeting of said corporation shall be holden at the house of Ephraim Andrews, innholder, in said Hingham, on the first Saturday of March next, at three o'clock, in the afternoon, for the purpose of choosing a president, treasurer, and clerk, and such other officers as shall be deemed necessary, and also to agree upon the mode of calling meetings of said corporation in future.

Meeting to be holden.

SECT. 7. *Be it further enacted,* That the several officers of said corporation shall be chosen annually, by a majority of votes, given in at the time of the election, and that the day of the annual election shall be established at the first meeting of said corporation.

Officers to be chosen annually

SECT. 8. *Be it further enacted,* That the president and clerk shall sign the certificates of the shares of the proprietors in this corporation, and that the clerk shall make a record of the same, in a book, to be kept for that purpose.

SECT. 9. *And be it further enacted,* That the clerk, before he shall enter upon the duties of his office, shall be sworn to the faithful discharge of the same.

[This act passed Feb. 27, 1807.]

CHAP. XCIII.

An act to exempt the Cotton Mills and Manufactures of Jeduthan Fuller and Seth Bemis from taxation, for five years.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the buildings which now are, or hereafter may be erected in the town of Watertown, by Seth Bemis, and Jeduthan Fuller, for the purpose of establishing a Cotton Manufactory, in said town, and all the materials and stock to be employed in the manufacture of Cotton, be, and they are hereby exempted from taxes, of every kind,
for

for and during the term of five years, from and after the passing of this act, and no longer.

[This act passed February 27, 1807.]

CHAP. XCIV.

An act for allowing further time to the New Bedford and Bridgewater Turnpike Corporation, for completing their Road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of six months, from the twenty-eighth day of February next, be, and hereby is allowed to said corporation, to complete said turnpike road; any thing in the original act of incorporation to the contrary, notwithstanding.

[This act passed Feb. 27, 1807.]

CHAP. XCV.

An act to divide the town of Cambridge, and to incorporate the Westerly Parish therein, as a separate town, by the name of West Cambridge.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the town of Cambridge, heretofore known as the second parish, and as described within the following bounds, together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of West Cambridge, viz. Beginning at Charlestown line, where the little river intersects the same, and running on a line, in the middle of said little river; until it strikes Fresh Pond, so called; thence west, ten degrees south, until it intersects the line of the town of Watertown; thence on Watertown and Waltham line, until it strikes Lexington line; thence on Lexington line, until it strikes Woburn line; thence on Woburn and Charlestown line, to the said little river, first mentioned. And the said town of West Cambridge, is hereby vested with all the powers and privileges, and shall also be subject to all the duties to which other corporate towns are entitled and subjected, by the constitution and

Second parish in
Cambridge in-
corporated.

Boundaries.

and laws of this commonwealth : *Provided however*, that nothing in this act shall be so construed, as to impair the right or privilege of the Congregational minister of the said town of West Cambridge, which he now holds in Harvard College. Proviso.

SECT. 2. *Be it further enacted*, That the inhabitants of the said town of West Cambridge, shall be entitled to hold such proportion of all the real and personal property now belonging to, and owned in common by them, and the inhabitants of the present town of Cambridge, as the property of the said inhabitants of West Cambridge now bears to the property of all the inhabitants of the late town of Cambridge, according to the latest valuation thereof; excepting always, all rights of common landing places, uses, and privileges, now and heretofore possessed and enjoyed by the inhabitants of said Cambridge, which shall hereafter belong and appertain to that town only, in which the same may fall. Inhabitants to hold a proportion of property owned in common.

SECT. 3. *Be it further enacted*, That the inhabitants of the said town of West Cambridge, shall be holden to pay all arrears of taxes, due from them, together with their proportion, (to be ascertained as aforesaid) of all the debts and claims now due and owing, from the said town of Cambridge, or which may hereafter be found due and owing, by reason of any contract, engagement, judgment of court, or other matter or thing, heretofore entered into, or now existing. --- to pay arrears of taxes.

SECT. 4. *Be it further enacted*, That the said town of West Cambridge, shall be holden to support their proportion of the present poor of the town of Cambridge, which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable, as paupers, to the towns of Cambridge and West Cambridge, shall be considered as belonging to that town, on the territory of which they had their settlement, at the time of passing this act, and shall, in future, be chargeable to that town only. --- to support their proportion of poor.

SECT. 5. *Be it further enacted*, That the said town of West Cambridge, shall be held to keep up and support their proportion of the old bridge, over Charles river, between the first and third parishes of Cambridge, which proportion shall be ascertained from time to time, by the state valuation. --- to support their proportion of the old bridge.

SECT. 6. *Be it further enacted*, That the said town of West Cambridge, shall be holden to pay their proportion --- to pay state & county taxes.
of

of all state and county taxes, assessed on the inhabitants of the said town of Cambridge, until the General Court shall lay a tax on the said town of West Cambridge.

SECT. 7. *Be it further enacted*, That this act shall not have any force or effect, until the first day of June, one thousand eight hundred and seven.

SECT. 8. *Be it further enacted*, That any justice of the peace for the county of Middlesex, upon application therefor, is hereby authorized to issue his warrant, directed to some freeholder of the said town of West Cambridge, requiring him to notify and warn the inhabitants thereof to meet at such time and place as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose, at their annual town meetings.

[This act passed February 27, 1807.]

Justice to issue
a warrant.

CHAP. XCVI.

An act to exempt the lands of certain persons, within the bounds of the North Parish in Danvers, from taxation, towards the support of the Ministry, in the said North Parish.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the land, now owned by Jonathan Procter, Timothy Felton, Moses Preston, Nathaniel Felton, Francis Procter, James Procter, and John Needham, jun. as lie within the lines of the north parish in Danvers, be, and hereby are exempted from taxation, towards the support of the ministry, and other parochial expenses, in the said north parish, so long as the act continues, entitled An act "to empower the proprietors of the south meeting house, in the late south parish in Danvers, to raise money, by a tax on the pews and seats, in the said meeting house." [This act passed February 27, 1807.]

CHAP. XCVII.

An act for incorporating certain persons for building a Bridge over Presumpcut River, near the mouth thereof.

WHEREAS, the erecting a bridge over Presumpcut river, in the town of Falmouth, in the county of Cumberland, will be of great public utility—

Preamble.

SECT.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Parker, Lemuel Weeks, Joseph Titcomb, Ebenezer Mayo, Richard Hunnewell, Thomas Webster, Daniel Tucker, George W. Duncan, Stephen M'Lellan, Isaac Hilsley, Joshua Rogers, Aaron Kinsman, John Thacher, Joseph Young, jun. Arthur M'Lellan, Nathaniel Jones, Matthew Cobb, Levi Cutter, Richard Derby, William Brown, Robert Boyd, Nathaniel Coffin, James Deering, James Neal, Joel Hall, Ammi R. Mitchell, Samuel Freeman, David Hale, Samuel Butts, James D. Hopkins, Jacob Noyes, Thomas Robison, jun. Robert Hilsley, Joseph Swift, Thomas Sawyer, Edward Barneville, Nathaniel F. Fosdick, Thaddeus Robbins, Thomas B. Wait, Dummer Mitchell, and Caleb Graffan, be, and they are hereby constituted a corporation and body politic, for the purpose of building a bridge over Presumpscut river, near the mouth thereof, at the most convenient place between Martin's Point, and Thompson's Point, so called, in said Falmouth, so long as they shall continue to be proprietors in the fund to be raised for that purpose, together with all those who are, or shall hereafter become proprietors of the said fund, under the name of the proprietors of Casco bridge; and by that name may sue and prosecute, be sued and prosecuted to final judgment and execution, and do and suffer all other matters and things, which bodies politic may and ought to do and suffer; and that said corporation shall and may have full power and authority to make, have and use, a common seal, and the same to break and alter at pleasure.

Persons incorporated.

SECT. 2. *And be it further enacted,* That Lemuel Weeks, Joseph Titcomb, and Ebenezer Mayo, or any two of them, may, by advertisement, in either of the newspapers, published in Portland, call a meeting of the said proprietors, to be holden at any proper place, after fifteen days from the publication of said advertisement; and the proprietors, by a vote of the majority of those present, or represented, at the said meeting, accounting and allowing one vote to each single share; (provided, that no one proprietor shall have more than ten votes in any case) shall have power to transact any business for the benefit of said corporation: *Provided,* it be not repugnant to the constitution and laws of this commonwealth; and also to choose seven directors, a clerk, and treasurer. And this act, and all rules and regulations, and votes of said corporation, shall be fairly and truly

Meeting to be called.

truly recorded, by the said clerk, in a book, or books, kept for that purpose.

Tolls established.

Rates of toll.

SECT. 3. *And be it further enacted,* That for the purpose of reimbursing the said proprietors for the monies by them expended, or that may be hereafter expended, in building and supporting said bridge, a toll be, and hereby is granted, and established, for the sole benefit of said proprietors, according to the rates following, that is to say: For each foot passenger, two cents; for each person and horse, six cents; for each chaise or sulkey, drawn by one horse, twelve and one half cents; for each sleigh, drawn by one horse, eight cents; for each sleigh, drawn by two horses, twelve and one half cents; for each coach, phaeton, or curricule, twenty-five cents; for each cart, waggon, sled, or other carriage of burthen, drawn by one or two beasts, eight cents, and for each additional yoke of cattle in the same team, two cents; and for each wheelbarrow, hand-cart, or other vehicle, capable of carrying a like weight, with one person, three cents; for neat cattle, or horses, other than those rode on, or in carriages or teams, two cents each; for sheep and swine, at the rate of eight cents the dozen; and to each team, one person, and no more, shall be allowed as a driver, to pass free of toll. And at all times when the toll-gatherer shall not attend his duty, the gate shall be left open; and the said toll shall commence on the day of the opening said bridge for passengers, and shall continue for and during the term of fifty years; after which term, it shall be subject to the regulations of government.

Dimensions and materials of the bridge.

SECT. 4. *And be it further enacted,* That said bridge shall be well built, at least thirty feet wide, of good and suitable materials, and be well covered with plank, gravel, or timber, suitable for such a bridge, with sufficient rails on each side, for the safety of passengers; and the same shall be kept in good, safe, and passable repair; and the proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly in view, a sign, or board, with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital letters.

Act void in case.

SECT. 5. *And be it further enacted,* That if the said proprietors shall neglect, for the space of three years, from the passing this act, to build and erect said bridge, then this act shall be void, and of no effect.

SECT.

SECT. 6. *And be it further enacted, by the authority aforesaid,* That the said proprietors shall build and keep a convenient and sufficient draw, or passage-way, at least thirty-two feet wide, at some place in the said bridge, proper for the passing and repassing of vessels, by day and by night, through the said bridge; and shall also build and maintain in good repair, a suitable pier, or wharf, upon each side of said bridge, and adjoining the draw, sufficient for vessels to lie at; and the said draw shall be lifted for all vessels, without toll or pay, except for boats or vessels passing for pleasure; and all vessels, intending to pass said draw, shall be free of charge at the wharf, or pier, until a suitable time shall offer for passing the same: the passage-way for vessels, through said bridge, shall be lined, from low water mark to the top, with plank, two and an half inches thick: *Provided,* the town of Falmouth shall not be at any expense in making and completing any road or highway, leading from Back Cove Bridge, to Martin's Point, nor in making and completing any new road or highway, leading from the bridge, on the easterly side of said river, unto the place where it shall strike the present travelling road; and that the proprietors shall have one arch in said bridge, near Martin's Point, for the convenience of rafts, passing through the same, at least forty feet in width.

Draw & wharf to be built.

Pro-Provido.

[This act passed Feb. 27, 1807.]

CHAP. XCVIII.

An act, in further addition to an act, entitled An act to incorporate a part of the counties of York and Cumberland, into a separate county by the name of Oxford.

WHEREAS, no provision is made by law to empower the Supreme Judicial Court, holden according to law, in the county of Cumberland, to take original cognizance in cases civil or criminal; or original, or appellate cognizances in probate causes, arising in the county of Oxford:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Supreme Judicial Court, to be holden in the county of Cumberland, shall be holden for the counties of Cumberland and Oxford, and shall from time to time have the same

Jurisdiction of S. J. Court in Cumberland and Oxford.

same jurisdiction, power and authority for the trial of all actions, civil and criminal, the cause whereof has arisen or shall arise within the body of the county of Oxford, and to hear and determine all other matters and things arisen, or which shall arise within the body of the said county of Oxford, and shall have the same jurisdiction of all matters, criminal, civil, and mixed, arisen or which shall arise in said county of Oxford, as if the same actions, matters, and things, had arisen within the body of the said county of Cumberland.

Conducting of
appeals.

SECT. 2. *And be it further enacted*, That all appeals which have already been claimed according to law, or which may hereafter be claimed from the decrees and orders of the judge of Probate, for the county of Oxford, shall, and may be heard and determined at the Supreme Judicial Court, to be holden in the said county of Cumberland, in the same way and manner, as appeals from the orders and decrees of the Judge of Probate for the county of Cumberland, may be heard and determined.

[This act passed February 27, 1807.]

CHAP. XCIX.

An act to incorporate the proprietors of Salt Marsh, on Cart-Creek, in Newbury, to make and maintain a Dyke, for the better improving the same.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, John Noyes, Caleb Titcomb, Isaiah Rogers, Josiah Adams, Stephen Adams, John Longfellow, Simon Thurla, Enoch Little, and Simeon Titcomb, their heirs and assigns, proprietors of the greater part of a tract of Salt Marsh, situate on Cart-Creek, in Newbury, in the county of Essex, be, and hereby are incorporated, with all the powers and privileges incident to similar corporations.

Manner of call-
ing Meetings.

SECT. 2. *And be it further enacted*, That the manner of calling meetings of the said proprietors, shall be by an application, in writing, from three or more of said proprietors, to any Justice of the Peace, in the county of Essex, who is hereby empowered and directed to issue his warrant to one of said proprietors, to meet at such time and place as he shall think most convenient, and for the purposes to be

be expressed in said warrant ; and copies of said warrant, with the notification thereon, shall be posted up at two or more houses of public worship, in said Newbury, and one or more houses of public worship in each town where any of the proprietors of said Marsh may dwell, ten days at least, before the time of holding said meetings ; and the said proprietors, or the major part of such of them as shall be assembled at any legal meeting, called as aforesaid, shall have power to choose a clerk, committee, assessors, collector or collectors of taxes, and a treasurer, all of which officers shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their place, which may be annually, or as often as occasion may require, which officers, so chosen and sworn, shall have the same power to perform, execute, and carry any legal vote, or order, of said corporation, into as full effect, as town officers of like description have, by law, to do and perform. And the said corporation shall have power to erect and make a Dike, and Dam, of sufficient height and width, across said Cart-Creek, in or near the same place where a Dike, or Dam, was formerly made, so far as a Dike or Dam, may be found necessary ; and to erect and keep in repair, such a Fence, as the said proprietors may, at a legal meeting, agree to have, where a Fence may be found necessary ; and at a legal meeting, called as aforesaid, for that purpose, may vote and raise monies to defray the necessary expenses of such Dike, Dam, and Fence, and keeping the same in repair ; and to pay all other expenses which shall be found necessary for the better management thereof, and for carrying the votes and orders of said corporation into effect ; and all monies, raised as aforesaid, shall be assessed upon each of the aforesaid proprietors, and their heirs and assigns, of the Marsh aforesaid, by them owned, in proportion to the number of acres he or she may own ; and if any proprietor aforesaid, shall refuse or neglect to pay the sum, or sums, assessed upon him or her, as aforesaid, after sixty days notice, so much of his or her Marsh shall be sold, at public vendue, as will be sufficient to pay the same, with costs ; notice of such sale to be given, by posting up advertisements thereof, at one or more houses of public worship, in the town or towns where such delinquent proprietors dwell, three weeks prior to the time of sale, with the names of the proprietors, the amount of the taxes assessed on their Marsh, respectively, and also the time and place of sale ; and if no person shall appear

Power of the
corporation.

Assessments.

Property of delinquents may
be sold.

appear thereupon to discharge the said taxes, and all necessary intervening charges, then the collector shall proceed to sell at auction, to the highest bidder, so much only of said Marsh, as shall be sufficient to discharge said taxes, and the necessary intervening charges, and shall give and execute a deed or deeds, to the purchaser or purchasers, his or her heirs or assigns, expressing therein the cause of such sale: *Provided*, that Samuel Thurla, shall not be holden to pay any part or portion of the expense of electing and maintaining said Dike, Dam, or Fence, on account of any Marsh which he now owns, above the place where said Dike or Dam is to be erected, nor any other person or persons, who may be heirs or assigns of Samuel Thurla, of said Marsh, now owned by him, for or on account of the same.

Provido.

Owners held to
make good any
damage.

SECT. 3. *Be it further enacted*, That the said John Noyes, Caleb Titcomb, Isaiah Rogers, Josiah Adams, Stephen Adams, John Longfellow, Simon Thurla, Enoch Little, and Simeon Titcomb, and their heirs and assigns, of said Marsh, by them respectively owned, shall be holden to make good all damage, if any, which the said Samuel Thurla, or his heirs or assigns of said Marsh, owned by said Thurla, may suffer in said Marsh, by the erection of said Dike, Dam, or Fence; which damage, if any, shall be ascertained by a committee, to be appointed by the Court of Common Pleas, for the county of Essex, on application of said Thurla, his heirs or assigns, at any time within five years from the erection of said Dike, Dam, or Fence.

[This act passed *February 28, 1807.*]

CHAP. C.

An act to incorporate the township, numbered Three, in the first range, north of the Waldo Patent, (commonly called the College Township,) in the county of Hancock, into a town, by the name of Dixmont.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the township, numbered Three, in the first range of townships north of the Waldo Patent, (commonly called the College Township,) in the county of Hancock, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town,

Dixmont in-
corporated.

town, by the name of Dixmont, viz:—Beginning at the south-west corner of the said township number Three; thence from said corner north, on the dividing line, between the said townships, number Three, in the first range, and number Four, in the second range, to the north-east corner of said township, number Three; thence south, on the dividing line, between said number Three and number Two, to the north line of the Waldo Patent; thence westerly on and by said line, to the bounds first mentioned, being the same township which was originally granted by Government to Bowdoin College. And the said town of Dixmont, is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions, to which other towns are entitled or subjected, by the Constitution and Laws of this Commonwealth.

SECT. 2. *And be it further enacted,* That any Justice of the Peace, for the county of Hancock, is hereby authorized to issue a warrant, directed to some inhabitant of the said town of Dixmont, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose, at their annual town meetings.

[This act passed *February 28, 1807.*]

CHAP. CI.

An act to establish the Stockbridge Turnpike.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Andrews, Ethel Burch, Dan Chappel, Samuel Clark, Samuel Clark, jun. Stephen Comstock, Daniel Curtis, Benjamin Dresser, Ezra Dresser, James Dresser, John Dresser, Daniel Dryer, John Dryer, Ezekiel Grifwold, Benjamin Hatch, Eli Hatch, Elisha Hooper, Elisha Hooper, jun. Loammi Mott, John Newell, Grove Pomeroy, Oliver Ruggles, Joseph Seely, Enoch W. Thayer, and William Thompson, together with such others, as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of "The Stockbridge Turnpike Corporation," for the purpose of locating, making, and keeping in good repair, a turnpike road, through the town of Stockbridge, so as to

stand connected with "The Housatonic River Turnpike," and "The Fifteenth Massachusetts Turnpike," and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, entitled, "An act defining the general powers and duties of turnpike corporations;" passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

[This act passed February 28, 1807.]

CHAP. CII.

An act enlarging the powers and duties of the Guardians of persons, who spend or waste their estates, by excessive drinking, idleness, gaming or debauchery.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Guardian or Guardians of any person or persons, who have or shall, spend or waste their estates, by excessive drinking, gaming, idleness or debauchery, are hereby authorized and enjoined to pay the debts of such person or persons, and to provide for their maintenance, and the support of their families, out of their real estate when their personal estate shall be insufficient; and for these purposes may sell so much of the real estate of their wards, as shall be necessary therefor, in the way and manner, and under the conditions, restrictions, and limitations under which executors and administrators are empowered to sell the estate of deceased persons; such Guardians first obtaining a license therefor, from the Supreme Judicial Court, or from the Court of Common Pleas, of the county where the real estate shall be, who are hereby respectively empowered to grant the same; *Provided however*, that no such license be granted, unless the person applying for the same, shall produce to the court a certificate under the hands of the overseers of the poor of the town in which said idle, gaming person has gained a legal residence, purporting their consent and approbation to the sale of such proportion of the real estate of such person, as such overseer shall be satisfied is just and equitable to discharge the *bona fide* debts of such idle person, excluding all debts contracted by gaming.

[This act passed February 28, 1807.]

CHAP. CIII.

An act, making further exemptions from military duties.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, all fishermen actually shipped and employed on board of any ship or vessel of more than ten tons burthen, shall be exempted from doing military duty, during the time they are actually shipped and employed as aforesaid: *Provided however,* that they shall be held to produce, to the commanding officer of the company to which they belong, within eight days after any muster, training, view of arms, or other duty, a certificate signed by the owner of such vessel, that at the time of their being warned, and time of training, they were actually shipped and employed as aforesaid.

[This act passed Feb. 28, 1807.]

CHAP. CIV.

An act, providing an additional term of the Court of Common Pleas, and General Sessions of the Peace, in the County of Washington.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be holden at Machias, in the county of Washington, a term of the Court of Common Pleas, and General Sessions of the Peace, on the third Tuesday of March, annually, until the General Court shall otherwise order.

SECT. 2. *Be it further enacted,* That this act shall take effect on the twentieth day of August next.

[This act passed Feb. 28, 1807.]

CHAP. CV.

An act to establish the Sheffield and Great Barrington Turnpike.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Allen, Timothy Arnold, Fenner Arnold, Isaac Baldwin, John Burghardt, the third, Ashbel Cone, Henry Covell, John Ford, Joseph Gibson, Ezekiel Griswold,

Persons incorporated.

Grifwold, Martin Hart, Andrew Hollenback, Isaac Leavenworth, David Leavenworth, Nathaniel Lewis, Charles Loveland, Miles Morgan, Grove Pomeroy, Samuel Riley, Samuel Raffleter, Stephen Libley, Isaac Seely, John Seely, Enoch Williams Thayer, John Tucker, Jabez Turner, John Vandusen, Charles Whiting, and John Whiting, together with such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby made a corporation, by the name of the Sheffield and Great Barrington Turnpike Corporation, for the purpose of laying out, making and keeping in good repair, a turnpike road through the towns of Sheffield, Great Barrington, and West Stockbridge, viz. Beginning at the south line of this commonwealth, in the town of Sheffield, or at the Hartford and Hudson turnpike, near the dwelling house of captain Uziel Clark; thence to extend in a northerly direction, through the easterly part of said town, and crossing the Hausatonock river; thence on the south side of the dwelling house of Truman Wheeler, in Great Barrington; thence northerly, through the said town of Great Barrington, and into the town of West Stockbridge, near the dwelling house of John Brown, and until the same shall intersect a turnpike road, laid out and established near the dwelling house of Grove Pomeroy, innholder, in said West Stockbridge; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, entitled An act, defining the general powers and duties of turnpike corporations, passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five.

[This act passed *Feb. 28, 1807.*]

CHAP. CVI.

An act, extending the time, in certain cases, that goods and estates attached upon mesne processes, for the security of the debt, or damage sued for, shall be held.

WHEREAS, by the arrangement of the sessions of the Supreme Judicial Court of this commonwealth, it may be that execution cannot be levied on goods and estates attached on the island of Nantucket, within the time

limited

limited by law, and thereby a judgment creditor may suffer great loss; to remedy which,

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all attachments of goods and estates, made on the island of Nantucket, to satisfy a judgment obtained on mesne process, shall be held for the space of sixty days after final judgment, to be taken in execution, any law, usage, or custom, to the contrary notwithstanding.

[This act passed Feb. 28, 1807.]

CHAP. CVII.

An act to incorporate the Proprietors of a Public Bathing House in Newburyport.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edward St. Loe Livermore, Jonathan Gage, Stephen Howard, and William Wourt, and all such persons as are or may be associated with them, for the purpose of erecting and keeping a Bathing House, in Newburyport, and their successors, shall be, and they hereby are made a corporation, by the name of the Proprietors of a Bathing House in Newburyport; and by that name may sue and be sued, and may have a common seal, and may have and enjoy all the privileges and powers, which are by law incident and necessary to a corporation for the purpose of keeping, using and improving, a public building or buildings, with all necessary and convenient appurtenances, for Bathing.*

Persons incorporated.

Common seal

SECT. 2. *And be it further enacted, That Edward St. Loe Livermore, Stephen Howard, and William Wourt, or any one of them, may, by an advertisement in a newspaper, printed in Newburyport, call a meeting of said proprietors, to be held at any suitable time and place, after ten days notice; and the said proprietors, by the vote of a major part of those present, or represented at said meeting, may choose a clerk, treasurer, and three or five directors, as may then be agreed on, one of whom shall be elected president by said directors, and may vest in them such powers as they may deem necessary, and may determine how often, and in what manner, and at what time, said officers shall be chosen, and in what manner future meetings shall*

Choice of officers.

shall be called and held, and make such rules and regulations as may be judged necessary and not repugnant to the constitution and laws of this commonwealth, or of the United States.

Authorized to hold real estate.

SECT. 3. *And be it further enacted,* That the said corporation be, and the same is authorized and empowered, to purchase and hold real estate to the value of twenty thousand dollars; and that the whole interest shall be divided into one hundred shares, which shares shall be deemed and considered to all intents and purposes as personal property, and the ownership thereof shall be evidenced by a certificate signed by the president, and countersigned by the clerk, and sealed with the common seal; and such shares shall be transferable by the owners personally, or by attorney, upon the books to be kept by the clerk for that purpose; and such owner, upon making such transfer, shall deliver up his certificate to the clerk to be cancelled.

Shares may be attached.

SECT. 4. *Be it further enacted,* That the property of every individual member in said corporation, vested therein, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his bona fide creditors, in manner following, viz. In addition to the summons, by law prescribed to be left with the debtor, a like summons shall be left with the clerk of said corporation; and the debtor's shares or share therein, together with any interest, profits or rents of any kind, due or growing due thereon, shall be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the clerk's books previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any member of said corporation, and his shares therein be exposed to sale in the same way and manner as is by law provided, where personal property or estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the clerk of said corporation, and the purchaser shall thereupon be entitled to all dividends and stock, and to the same privileges as a member of said corporation, that the debtor was previously entitled to; and upon attachment being made, or execution levied on any shares in said corporation, it shall be the duty of the clerk to expose the books of said corporation to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debt-

Books may be examined.

or holds in said corporation, and the amount of the dividend, if any thereon due.

[This act passed February 28, 1807.]

CHAP. CVIII.

An act to incorporate a number of the inhabitants of the town of Cape Elizabeth, in the County of Cumberland, by the name of the Methodist Society, in Cape Elizabeth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Brooks, Joseph Brown, William Cummings, jun. George Deake, John Duren, Samuel Dun, Reuben Dyer, Reuben Dyer, 3d, Ezekiel Dyer, David Dyer, William Dyer, Edward Dyer, James Dyer, John Fogg, Benjamin Fickett, Samuel Fickett, John Fickett, jun. John Fickett, 3d, William Fickett, jun. Joshua Gammon, Micah Higgins, Samuel Higgins, Samuel Johnson, Solomon Jordan, John Jordan, Jonathan Larrabee, jun. James Maxwell, Thomas Maxwell, Jeremiah Mitchell, Ebenezer Parker, Stephen Randall, Stephen Robinson, Nathaniel Sawyer, James Sawyer, Benjamin Stanford, Jeremiah Stanford, Charles Staple, Theophilus Thomas, Ebenezer Webster, and Nathaniel Webster, with their families, and estates, together with such others as have or may hereafter associate with them, and their successors, be, and they are hereby incorporated into a separate religious society, by the name of the Methodist Society in Cape Elizabeth, with all the powers and privileges to which other parishes are entitled, by the constitution and laws of this commonwealth : *Provided however,* that all such persons shall be holden to pay their proportion of all monies, legally assessed, for parochial purposes, in the parish to which he or she formerly belonged. Persons incorporated.

SECT. 2. *Be it further enacted,* That any person belonging to any other religious society, in the said town of Cape Elizabeth, who may desire to join the said Methodist society, and who shall, at any time within one year from the passing of this act, declare such intention, in writing, delivered to the town clerk, or to the clerk of such other religious society, and shall produce a certificate, signed by the minister or clerk of the said Methodist society, that he or she has actually become a member of, and united in religious Proviso.
Members to obtain a certificate.

gious worship, with the said Methodist Society, such person shall, from the date of such certificate, be considered, with his or her polls and estate, as a member of said society.

Members leaving, to give notice.

SECT. 3. *Be it further enacted*, That when any member of the said Methodist Society, shall see cause to leave the same, and to unite with any other religious society, in said town of Cape Elizabeth, and shall give notice of such intention, to the Minister or Clerk of the said Methodist Society, and shall also give in his or her name to the Minister or Clerk of such other society, fifteen days, at least, previous to its annual meeting, such person shall, from the date of such certificate, with his or her polls and estate, be considered a member of said society: *Provided however*, that in every such case, such person shall be held to pay his or her proportion of all parochial expenses, incurred previous to the leaving said society.

Justice to issue warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace, for the county of Cumberland, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said Methodist Society, requiring him to notify and warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, for the choice of such officers as Parishes are by law empowered to choose at their annual Parish Meetings.

[This act passed *February 28, 1807.*]

CHAP. CIX.

An act for incorporating Royal Brewster and others, in the county of York, for the purpose of erecting and supporting a bridge, over Saco River, at a place called the Bar-Mills.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Royal Brewster, John Smith, and Paul Woodman, and such other persons as have already, or may hereafter associate with them, be, and they hereby are constituted a corporation, for the purpose aforesaid, by the name of "The Bar-Mill Proprietors," and under that name may enjoy all the rights, privileges, and immunities, incidental to such corporations in this Commonwealth; and the said Royal Brewster, or any other principal proprietor, may call a meeting of said proprietors, at any reasonable time,

time, after the passing this act, by posting up notifications of such meeting, in the towns of Buxton and Phillipsburgh, for that purpose, to be holden, not less than seven days after such notice shall be published; and said proprietors may then choose a clerk, who shall be sworn to the faithful performance of his duty, and may choose all other necessary officers, and make such rules and regulations as they may judge proper, not repugnant to the laws of this Commonwealth.

Choice of officers

SECT. 2. *And be it further enacted*, That the said proprietors be, and they are hereby empowered to build and support the bridge aforesaid, from or near the Bar-Mills, in Philipsburgh, across Saco river, to a place called Lane's Eddy, in Buxton, in the county of York, and the same shall always be kept in good repair, and be safe and convenient for passengers, and shall not be less than twenty-two feet in width, covered with good plank, and secured with sufficient railing, and so constructed as not to obstruct the logs and other timber, coming down the river, passing under the same.

Bridge to be kept in repair.

SECT. 3. *And be it further enacted*, That for reimbursing to said proprietors the money by them expended, or to be expended, in building and supporting said bridge, a toll be, and hereby is granted and established, for the benefit of said proprietors, according to the rates following, viz:—For each man and horse, *two cents*; for each cart, sled, or pair of wheels, drawn by two oxen, *four cents*; for each cart, sled, or pair of wheels, drawn by four oxen, *six cents*; for each cart, sled, or pair of wheels, drawn by six oxen, *eight cents*; for each cart, sled, or pair of wheels, drawn by eight oxen, *ten cents*; for each wheel carriage, sled or sleigh, drawn by one horse, *four cents*; for each wheel carriage, sled or sleigh, drawn by two horses, *six cents*; for cattle, or horses, *two cents* each; for sheep and swine, *four cents* per dozen; and at all times when the toll-gatherer shall not attend his duty herein, the gate or gates shall be kept open; and the said toll shall commence from and after a committee of the Court of General Sessions of the Peace for the county of York, (who may be appointed for that purpose) shall adjudge the said Bridge is completed, conformable to the provisions in this act, and not otherwise.

Toll.

[This act passed February 28, 1807.]

CHAP. CX.

An act for giving effect to the partition of certain real estate, whereof John Innis Clark, and Joseph Nightingale, were seized, at the time of the decease of the said Nightingale.

Preamble.

WHEREAS, John Innis Clark, of Providence, in the county of Providence, and State of Rhode-Island and Providence Plantations, Esquire, and Joseph Nightingale, late of said Providence, merchant, deceased, at the time of the decease of the said Nightingale, were joint partners in trade, and seized of fundry lands and tenements, and hereditaments, situated in the several states of Rhode-Island, Massachusetts, Connecticut, New-Hampshire, New-York, Vermont, and Ohio, either jointly, or as tenants in common, and one of said partners was sole seized in trust for the use and benefit of both. And whereas, the said Clark and Elizabeth Nightingale, widow of the said Joseph, and all the children and heirs of the said Joseph, have represented that it is impracticable to make a partition of said estates, conformable to the laws of the several States, upon the particular parcels thereof, within their respective jurisdictions, without great injury to them, and that they have made partition of all the estates holden as aforesaid, in manner satisfactory to themselves, which partition is established by an act of the Legislature of the State of Rhode-Island and Providence Plantations, at a session begun and holden at Providence, on the last Monday of October, in the year of our Lord one thousand eight hundred and four, entitled, "An act for the partition of certain of the real estate, whereof John Innis Clark, and Joseph Nightingale were possessed, at the time of the decease of said Nightingale;" in which act the whole of said estates are described and set forth, and all the parties interested in said partition, having petitioned to have the same confirmed within this Commonwealth—

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several parcels of land, and the tenements and hereditaments, described and set forth in the aforesaid act of the State of Rhode-Island, as lying within the State of Massachusetts, and assigned to the said Clark, shall vest in him, his heirs and assigns, by the tenure described in said act of partition, and in as full a manner, as though the same had been assigned and set to him by the regular

regular proceedings of any Judicial Court of this Commonwealth.

SECT. 2. *And be it further enacted*, That the several parcels of land, and the tenements and hereditaments, in the act aforesaid, described as being within the Commonwealth of Massachusetts, and assigned to the said Elizabeth Nightingale, and to the children and heirs of the said Joseph Nightingale, shall vest in them severally, by the respective tenures described in said act of partition, and in as full a manner, as though the same had been assigned and set to them by the regular proceedings of any Judicial Court of this Commonwealth. *Provided always*, that this act shall not have force until a copy of the aforesaid act of the State of Rhode-Island, duly authenticated, and attested by the Governor of said State, shall be filed in the office of the Secretary of this Commonwealth, and if the States of Connecticut, New-Hampshire, New-York, Vermont, and Ohio, shall not, within two years, from the passing of this act, pass acts for the establishment of the partition aforesaid, as the same respects the premises, within their respective jurisdictions, the same shall be null and void.

Estates assigned to the widow and children, to vest in them severally.

Proviso.

[This act passed February 28, 1807.]

CHAP. CXI.

An act to incorporate Isaac Warren, and others, into a company, by the name of the Middlesex Insurance Company.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said Isaac Warren, and all such persons, citizens of the United States, as have already, or shall hereafter become stockholders, in said company, be, and are hereby incorporated into a company, and body politic, by the name of the Middlesex Insurance Company, for and during the term of twenty-five years, after the passing of this act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute, and defend, to final judgment and execution; and have a common seal, which they may alter at pleasure, and may purchase, hold or convey, any estate, real or personal, for the use of said company, subject to the restrictions hereinafter mentioned.

Persons incorporated.

SECT.

SECT. 2. *And be it further enacted,* That the capital stock of said company shall be divided into shares of *one hundred dollars* each, which shall be paid into the said company in the manner hereinafter provided; and the whole number of shares, shall be one thousand; and the whole capital stock, estate, and property, which the said company shall be authorized to hold, shall never exceed *one hundred thousand dollars*, exclusive of premium notes and profits, arising from the business of said company, and *twenty thousand dollars*, which said company are authorized to invest in real estate, and not more than *thirty thousand dollars* of said capital stock, shall at any one time be invested in real estate.

SECT. 3. *And be it further enacted,* That the stock, property, affairs, and concerns of said company, shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their elections, be stockholders in said company, and citizens of this Commonwealth; and shall be elected on the first Monday in May, in each and every year, at such time of the day, and at such place, in the town of Charlestown, as a majority of the directors, for the time being, shall appoint; of which election, notice shall be given, in at least two of the newspapers, printed in the town of Boston, and continued for the space of ten days, immediately preceding such election; and the election shall be holden under the inspection of three of the stockholders, not being Directors, to be appointed previous to every election, by the Directors; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock. *Provided,* that no stockholder shall be allowed more than ten votes; and the stockholders, not present, may vote by proxy, under such regulations as the company shall prescribe. And if through any unavoidable accident, the said Directors should not be chosen on the first Monday of May, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SECT. 4. *And be it further enacted,* That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose, out of their own body, one person, to be president, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies,

capital limited.

directors to be chosen.

vide.

president to be chosen.

vacancies;

vacancies, shall be filled, for the remainder of the year, in which they happen, by a special election for that purpose, to be held in the same manner as hereinbefore directed, respecting annual elections of directors.

SECT. 5. *And be it further enacted,* That the president, and three of the directors, or four of the directors, in the absence of the president, shall be a board, competent for the transaction of business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants, employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and so many clerks and servants, for carrying on said business, and with such salaries and allowances to them, and to the president, as to said board shall seem meet: *Provided,* that such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of this commonwealth.

By-laws to be made.

Provido.

SECT. 6. *And be it further enacted,* That there shall be stated meetings of the directors, at least once in every month, and as often within every month, as the president and directors shall deem proper; and the president, and a committee of two of the directors, to be by him appointed, in rotation, shall assemble daily, if need be, for the dispatch of business. And the said board of directors, or the committee aforesaid, at and during the pleasure of said board, shall have power and authority, on behalf of the company, to make insurances on vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person, during his absence by sea; and in cases of money lent on bottomry and respondentia, and to fix the premiums, and terms of payments. And all policies of insurance, by them made, shall be subscribed by the president; or in case of his death, sickness, inability, or absence, by any two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon said company, and have like effect and force, as if under the seal of said company. And all losses, duly arising, under any policy, so subscribed, may be adjusted and settled by the president

Directors to meet.

Manner of transacting policies.

president and board of directors, and shall be binding on the company.

Dividends to be made.

SECT. 7. *And be it further enacted*, That it shall be the duty of the directors, on the first Monday in May and November, in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of said company, as to them shall appear adviseable. But the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding, at the time of making such dividends, shall not be considered as part of the profits of the company. And in case of any loss or losses, whereby the capital stock of the company shall be lessened, before all the instalments are paid in, each proprietor or stockholder's estate, shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place; and no subsequent dividend shall be made, until a sum arising from the profits of the business of the company, equal to such diminution, shall have been added to the capital; and that once in every three years, and oftener, if required, by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Statement of profits.

Stock invested.

SECT. 8. *And be it further enacted*, That the said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities, whatsoever; and the capital stock of said company, after being collected at each instalment, shall, within six months, be invested either in the funded debt of the United States, or of this commonwealth, or in the stock of the United States Bank, or of some other incorporated bank or banks, in this commonwealth, in either or all of them; and in such proportions as may be most for the interest of said company, at the discretion of the president and directors of said company, or of such other person or persons, as the said stockholders shall, for such purpose, at any meeting appoint.

Instalments to be made.

SECT. 9. *And be it further enacted*, That twenty-five dollars on each share of said company, shall be paid in money, within sixty days after the first meeting of said company, and the remaining sum of fifty dollars on each share, shall be paid, in money, within one year afterwards, at such equal instalments, and under such penalties, as the said company

pany shall direct; and no transfer of any share shall be permitted, or be valid, until the whole capital stock shall have been paid in.

SECT. 10. *And be it further enacted,* That no person being a director of any other company, carrying on the business of marine insurance, shall be eligible as a director of this company, by this act established.

SECT. 11. *And be it further enacted,* That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses taking place, shall subscribe to any policies of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies so subscribed. Directors' estates liable.

SECT. 12. *And be it further enacted,* That the president of said company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers, printed in the town of Boston, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk. But in no case shall they be allowed to take a greater sum than ten per centum on their capital stock, actually paid in. Highest sum insured to be stated.

SECT. 13. *And be it further enacted,* That the president and directors of said company shall, when and as often as required by the legislature of this commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same, under oath. Directors to be examined.

SECT. 14. *And be it further enacted,* That Isaac Warren be authorized to call a meeting of the members of said company, as soon as may be, in Charlestown, by advertising the same for three weeks successively, in two of the newspapers, printed in Boston, for the purpose of electing a first board of directors, who shall continue in office until the first Monday in May, in the year of our Lord one thousand eight hundred and eight. Meetings to be advertised.

[This act passed Feb. 28, 1807.]

CHAP. CXII.

An act to empower the inhabitants of the School Districts on Moose Island, to raise an additional sum for the support of Schools.

WHEREAS, great inconvenience arises to the inhabitants of the town of Eastport, in having schools kept Preamble.

kept for the instruction of youth, owing to the inhabitants being so scattered, on the main land, that schools cannot be kept to benefit but a small part of the community, by reason of which, the town, at their annual meetings in April, do not vote money sufficient to keep schools so long as the inhabitants on Moose Island, a part of said town, desire :—

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the inhabitants of the school districts on Moose Island, to raise, in addition to what may be raised by a vote of the town of Eastport, at their annual meetings in April, such further sum or sums in said districts, as shall enable them to keep a school or schools, the greater part or whole of the year.

SECT. 2. *And be it further enacted,* That the inhabitants of said school districts, qualified to vote in town affairs, be, and they are hereby empowered, at any meeting, called in manner hereinafter provided, to raise sufficient sums of money for the purposes aforesaid, to be assessed in manner as is hereinafter provided.

SECT. 3. *And be it further enacted,* That for the purposes aforesaid, every man shall be taxed in the district in which he lives for all the estate he holds in the said district, being under his own actual improvement, and all other of his real estate in said district shall be taxed in the district in which it is included; and lands in said districts, where the owner lives without the districts, shall be taxed in the district in which it lies until the town shall be districted anew; and the assessors shall assess in the same manner as town taxes are assessed on the polls and estates of the inhabitants composing said school districts, and on lands in said districts belonging to persons out of the same, all monies voted to be raised by the inhabitants of said districts for the purpose aforesaid, in thirty days after the clerks of the districts shall certify to said assessors the sum voted by the districts to be raised as aforesaid. And it shall be the duty of said assessors to make a warrant in due form of law, directed to one of the collectors of the town of Eastport, requiring and empowering said collector to levy and collect the tax so assessed, and to pay the same within a time to be limited in said warrant, to the treasurer of the town of Eastport, to whom a certificate of the assessment shall be made by the assessors, and the money so collected and paid, shall be at the disposal of the committee of the district, to be by
them

School fund
enlarged.

Taxes assessed.

Assessors to issue
a warrant.

them applied for the maintenance of a school or schools in the districts aforesaid; and such collector in collecting such tax shall have the same powers, and be holden to proceed in the same manner as is by law provided in collecting taxes.

SECT. 4. *And be it further enacted,* That the treasurer of said town of Eastport, to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid, shall have the same authority to enforce the collection and payment of the money so assessed and certified, as if the same had been voted to be raised by said town of Eastport, for the town's use; and the treasurer and collector shall be paid the same commission on the money collected and paid for the use of said school districts, and the assessors for assessing said tax, shall be allowed by the districts the same sum for each and every day while employed in assessing the same, as is allowed and paid by the said town in similar services.

Treasurer of Eastport empowered to collect.

SECT. 5. *And be it further enacted,* That it shall be the duty of the selectmen of the said town of Eastport, upon application made to them in writing, by three or more freeholders resident within said districts, to issue their warrant directed to one of the persons making such application, requiring him to warn the inhabitants of said districts qualified to vote in town affairs, to meet at such time and place in the said districts, as the selectmen in their warrants appoint; and the warning aforesaid, shall be notifying personally every person in the district qualified to vote in town affairs, or by leaving at their several places of abode, a notification in writing, expressing therein the time, place, and purpose of the meeting, seven days at least, before the time appointed for holding the same; and every vote to raise money for the purpose of defraying the expense of schools in said districts, passed by a majority of the inhabitants of said school districts, present at a district meeting, shall be obligatory on the inhabitants of said school districts, to be assessed, levied, and collected in the manner provided by this act.

Selectmen empowered to issue a warrant.

[This act passed Feb. 28, 1807.]

CHAP. CXIII.

An act to divide the town of Methuen, in the County of Essex, into two parishes, by a line, and to incorporate the westerly part thereof into a distinct parish, by the name of the second parish in Methuen.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Methuen, in the county of Essex, be, and it is hereby divided into two distinct parishes, and the westerly part of said town shall be hereafter known and designated by the name of the Second Parish in Methuen, and the following shall be the dividing line between said parishes, viz: Beginning at Andover Bridge, so called, thence running northeastwardly on the middle of the turnpike road in said town, until it comes to the line of the state of New Hampshire, all the inhabitants of said town, living on the westerly side of said line, be, and they are hereby incorporated into a distinct parish, by the name of the Second Parish in Methuen, with all the powers, privileges and immunities to which other parishes are entitled by the constitution and laws of this commonwealth: *Provided nevertheless*, that the following persons living on the westerly side of said line, viz. Amos Barker, Joshua Davis, Joseph Morfe, John Harris, Silas Barker, Jacob Sargent, Stephen Sargent, Jonathan Cluff, Ebenezer Hibberd, James Sargent, Ebenezer Hibberd, jun. James Ordway, Daniel Bartlett, John Sargent, Elijah Jennings, Jonathan Jennings, Benjamin Town, Daniel Cross, Amasa Sargent, James Ordway, 2d, Daniel Morfe, Nathan Town, Solomon Jennings, Dorcas Swan, (with the estate under her care as guardian for her children,) Jacob Tyler, and Noah Stephens, with their families and estates, and such persons as shall hereafter possess or live upon any of said estates, (except it be a person who was an established parishioner in the said second parish, previous to his possessing or living upon said estate) shall still be considered as parishioners in the first parish in said town; any thing contained in this act to the contrary notwithstanding. *And it is further provided*, that any person or persons that are hired to work on any of said estates, shall be taxed to the support of public worship, and other parochial purposes in the first parish in said town, until he or they shall signify his or their desire to join said second parish, by giving in his or their names

Parish boundaries.

Persons to remain in first parish.

Proviso,

and

and intentions in writing, to the clerk of said town for that purpose.

SECT. 2. *Be it further enacted,* That the inhabitants of said town, living on either side of said dividing line, shall have liberty at any time within one year from the passing of this act, to join which of said parishes they shall see fit, and establish themselves with their polls and estates therein, by certifying their intentions in writing to the clerk of said town, whose duty it shall be to make a fair record of the same, and make out attested copies thereof, and deliver the same to the assessors of each of the parishes in said town, whenever requested thereto by said assessors; and any person living in either of the parishes established as aforesaid, who does not see fit to join the other parish in manner as aforesaid, prior to the first day of May next, shall be taxed to the support of public worship and other parochial purposes in the parish in which he resides for the year then next following.

Inhabitants to signify which parish they will join.

SECT. 3. *And be it further enacted,* That the said first parish shall have all the power and authority to collect all the taxes legally assessed before the passing this act, upon any of the inhabitants living on the westerly side of said dividing line, the same as though this act had never been passed.

Taxes due to be paid to first parish.

SECT. 4. *And be it further enacted,* That the separate parish in said town of Methuen, which by this act is dissolved, shall have full power and authority to collect all taxes for the support of public worship and other parochial purposes, legally assessed before the passing of this act, and to settle all accounts as though this act had never been passed.

SECT. 5. *And be it further enacted,* That every person living in said town shall hereafter be taxed to the support of public worship and other parochial purposes, in the parish where he belongs, for all the estate which he owns in said town, in whatever part of said town the same may be situated.

Taxes to be paid in the parish where the inhabitant belongs.

SECT. 6. *And be it further enacted,* That any justice of the peace for said county of Essex, be, and is hereby authorized upon application made in writing by any five of the members of said second parish, to issue his warrant directed to any member of said second parish, requiring him to notify and warn all the inhabitants of said second parish, duly qualified to vote in parish affairs, to meet at such time and place as the said justice in his said warrant shall direct,

Choice of officers.

to choose such officers as parishes are by law required and empowered to choose, in the months of March and April, annually, and transact such other business as may be found necessary to be done at said first meeting.

Acts repealed.

SECT. 7. *And be it further enacted*, That an act, entitled an act, for setting off a number of inhabitants of the town of Methuen, in the county of Essex, into a separate parish, passed in the year of our Lord, seventeen hundred and seventy-nine together with three subsequent acts relating to the same, be, and the same are hereby repealed.

[This act passed *February 28, 1807.*]

CHAP. CXIV.

An act in addition to an act, entitled, "An act to secure to owners their property in logs, masts, spars, and other timber, in certain cases."

Preamble.

WHEREAS, the act aforesaid, passed the twenty-second day of February, seventeen hundred and ninety-four, and the act in addition thereto, passed on the sixteenth day of June, eighteen hundred and one, are found in their operation to be insufficient to answer the purposes intended thereby, as far as they respect Saco River, in the county of York:—

Penalties increased.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the forfeitures of *forty shillings*, mentioned in the first and second sections of the act first above mentioned, shall be, and hereby is increased to the sum of *twenty-five dollars*, and instead of the treble value, mentioned in the first and third section of the same act, the sum of *fifty dollars* shall be, and hereby is substituted, as far as the same respects Saco River; said forfeitures of *twenty-five dollars*, and *fifty dollars*, to be recovered by an action of debt, in any court proper to try the same, with legal cost, by the persons and for the use mentioned in said act.

Logs, &c. not to be detained.

SECT. 2. *Be it further enacted*, That if any proprietors or owners of any Boom or Booms, in or across Saco River, aforesaid, shall unnecessarily detain, or suffer to remain therein, any logs, masts, spars, or other timber, which ought to be turned through the same, they shall forfeit and pay to the owner or owners of such logs, masts, spars, or other

other pieces of timber, unnecessarily detained, or suffered to remain therein, the sum of *two dollars* for each log, mast, spar, or other piece of timber, so detained, to be recovered in the way and manner heretofore provided in this act: *Provided however*, such detention aforesaid, shall not exceed six days.

SECT. 3. *Be it further enacted*, That the owner or owners of any logs or other timber, their agents or servants, shall have liberty, at all times, in a peaceable manner, to enter any mill, or any mill-brow, boom, or raft of logs, or other timber, in search of any logs or other timber which they may suspect to be there; and any person or persons who shall prevent such search, shall forfeit and pay for each and every such offence, a fine, not less than *twenty-five*, nor more than *one hundred dollars*, to be recovered by indictment, in the Supreme Judicial Court, or Court of Common Pleas, where the offence shall be committed, for the use of the county of York.

Penalty for preventing search after timber.

SECT. 4. *Be it further enacted*, That all logs, masts, spars, and other timber, the marks on which have been so defaced as not to be known, (commonly called prize logs,) shall be turned from and through the several booms in Saco River, until they arrive at the Saco Boom; the proprietors of which boom shall carefully raft the same by themselves, and on the first Monday of August in each year, shall sell the same at Public Auction, to the highest bidder, first giving notice of such sale, by posting up advertisements thereof in some public place in the towns of Saco, Biddeford, Buxton, and Phillipburgh, twenty days at least before the day of sale; and the proceeds of such sale, after deducting the expense of securing and selling the same, shall be appropriated to the clearing and removing obstructions to the passage of logs and other timber, as aforesaid, down Saco River, and be immediately paid to such committee or committees, agent or agents, as shall by said Saco Boom proprietors be legally appointed for that purpose; otherwise to the Selectmen of the town of Saco, Biddeford, Buxton, and Phillipburgh, in proportion to their population, for the use of the poor of said towns; and any person or persons, not the owners thereof, who shall take, carry away, sell, or mark anew, any such prize logs, mast, spar, or any piece of timber, contrary to the foregoing provision, shall forfeit and pay for each and every such offence, the sum of *twenty-five dollars*, to be recovered by an action of debt, in any court proper to try the same, with legal cost, by the proprietors

Prize logs to be rafted and advertised.

Penalty

of

of Saco Boom, to be appropriated in the way and manner, and for the purpose before mentioned in this section.

SECT. 5. *And be it further enacted,* That if the proprietors aforesaid, or any of them, who by this act are authorized and directed to take care of, and secure such prize logs and other timber, aforesaid, as shall from time to time be taken up and secured, at Saco Boom, aforesaid, for the purpose aforesaid, their agents or servants, shall knowingly suffer the same to be taken away, or disposed of, contrary to the intent of this act, for each and every such offence, shall pay a fine, not less than *twenty five dollars*, nor more than *fifty dollars*, for each log, mast, spar, or other piece of timber, so taken away, to be recovered in an action of debt, in any court proper to try the same, with legal cost, by any person who shall prosecute and sue the same.

SECT. 6. *And be it further enacted,* That such parts of the acts aforesaid, as are inconsistent with the provisions of this act, shall be, as far as they respect Saco River, and hereby are repealed; except that all fines and forfeitures incurred, and all rights of action which accrued under said act, may be prosecuted for, and proceeded in, in the way and manner as though this act had never been passed.

SECT. 7. *Be it further enacted,* That each and every of the duties, liberties, exceptions, fines, forfeitures, and penalties, and every other part and provision in the foregoing act, and in the acts to which this is an addition, as applying to Saco River, be and hereby are extended and applied; and in any court of law shall be taken and construed to include, extend, and be applied to the river called the Great Androscoggin, and to Kennebeck River, below the Bay, called Merry-Meeting Bay, any thing in this act, or in the other acts before mentioned, to the contrary, notwithstanding.

[This act passed February 28, 1807.]

CHAP. CXV.

An act in addition to an act, entitled, "An act to incorporate a number of the inhabitants of the town of Pittston, in the county of Lincoln, into a parish, by the name of The Episcopalian Society in Pittston.

WHEREAS, it appears that the late Dr. Sylvester Gardner, for the encouragement and support of a regular administration

Fine for neglect of duty.

Repeal.

Provisions extended.

Preamble.

administration of Religion, conformable to the Protestant Episcopal mode, in the town of Gardner, and county of Kennebeck, did bequeath, by his last will and testament, the sum of *one hundred twenty-four dollars and forty-four cents*, annually and forever, to be paid by certain heirs, out of the rents and proceeds of lands situated in the town of Gardner and Pittston: and whereas, from the general sale of those lands to numerous individuals, great and embarrassing difficulties may arise, in the collection of said legacy, and the pious intentions of said Donor be frustrated—

SECT. 1. *THEREFORE be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Wardens of the Episcopal Society in said Gardner, for the time being, be, and they are hereby authorized and empowered, at any time, to far to commute the aforesaid bequest and donations, as to receive and hold land or money, from said heirs respectively the value or amount of which shall be equal to a principal, the annual income or interest whereof shall be at least, as much as the respective sums specified by said testator.

Wardens emp-
powered.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Wardens, with the consent of the vestry of said Society, and their successors in said office, be, and they are hereby authorized and empowered, to make sale and dispose of any lands, tenement, or hereditaments, which by commutation, as aforesaid, or otherwise, shall belong to said Society, the Church or Ministry thereof, and to make and execute good and sufficient deeds of the same, to any persons who shall be disposed to pay the full value thereof, and to lease, or otherwise dispose of the same, in the name and behalf of said Society; and with the money arising from such sale or lease, from time to time, to form a Ministerial Fund, the annual interest of which may be appropriated to the support of Public Worship in said Society.

Fund established.

And, whereas, since the incorporation of said Society, the county of Lincoln, and the town of Pittston, have been divided, and a great proportion of the Members of said Society, and their Church House, are within the town of Gardner, and county of Kennebeck:

Title altered.

SECT. 3. *Therefore be it further enacted by the authority aforesaid*, That the style or title of said Society be, and hereby is so far altered, as, that forever hereafter it shall be denominated The Episcopal Society in Gardner, in the county of Kennebeck.

SECT.

Repeal.

SECT. 4. *And be it further enacted,* That the second section of the act, to which this is an addition, be, and hereby is repealed.

Persons to signify their intention.

Provide

SECT. 5. *And be it further enacted,* That whenever any person or persons may incline to join the said Episcopal society, in Gardner, and he, she, or they, signify such their desire, in writing, to the recording clerk of said society, by signing a book which may be kept for that purpose, or otherwise; then he, she, or they, with their polls and estates, shall be considered as members of said society: *Provided,* that any such person or persons shall give in their name or names in writing, to the clerk of the parish or religious society they intend to leave, on or before the first Monday of April, annually, signifying such to be their intention; and shall also pay all such taxes as shall have been previously assessed upon them, by the parish or religious society they leave: and whenever any member of said Episcopal society shall wish to join any other incorporated religious society, they shall, in future, give notice thereof to the said recording clerk, fourteen days at least before Easter Monday, by leaving with said clerk a certificate, signed by the minister of said other incorporated religious society with which he or she may unite, that he or she has actually become a member of and united in religious worship, with said other religious society; and shall pay his or her proportion of all money which may have been previously and legally assessed in said Episcopal society; then every such person, having given such certificate to the clerk aforesaid, and having paid all the taxes as aforesaid, shall, from and after the Easter Monday following the date of said certificate, be considered, with his or her polls and estates, as a member of the incorporated society, with which he or she has so united.

Persons leaving.

[This act passed Feb. 28, 1807.]

CHAP. CXVI.

An act to incorporate a number of inhabitants of the town of Wells, as a religious society, by the name of the First Baptist Society in Wells.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abraham Annis, Nehemiah Annis, John Annis,

Persons incorporated.

Annis.

Annis, Stephen Annis, Isaac Bennett, Joel Bennett, William Bennett, George Bennett, George Bennett, jun. Thomas Bragdon, Joshua Brooks, Nathaniel Brooks, Samuel Chadbourn, Elias Chick, Samuel Chick, Eleazer Clark, jun. Josiah Cradeford, John Cradeford, Stephen Cradeford, Moses W. Day, John Davis, Joseph Eaton, Joseph Eaton, jun. Joshua Eaton, Edward Edes, William Edes, George Getchell, Joseph Getchell, Jeremiah Getchell, Jonathan Getchell; Robert Getchell, Daniel Goodwin, Joseph Goodwin, jun. Afa Hatch, Afa Hatch, 2d, Barack Hatch, Eliab Hatch, Eliab Hatch, jun. Elijah Hatch, Ephraim Hatch, Jesse Hatch, Josiah Hatch, John Hatch, Jonathan Hatch, Jonathan Hatch, jun. Jeremiah Hatch, Lemuel Hatch, Seth Hatch, Samuel Hatch, Storer Hatch, William Hatch, Jonathan Hill, Jonathan Hill, jun. Nathaniel Hill, Samuel Hill, jun. Joseph Hobbs, Sayward Hobbs, Thomas Hobbs, William Hobbs, Jeremiah Hubbard, William Hubbard, Benjamin Joy, Ebenezer Kimball, Nathaniel Kimball, Afa Littlefield, David Littlefield, Daniel Littlefield, Daniel Littlefield, jun. Dependance Littlefield, Elijah Littlefield, Isaac Littlefield, Jesse Littlefield, Moses Littlefield, Noah Littlefield, Nehemiah Littlefield, Joseph Littlefield, 1st, Joseph Littlefield, 2d, Joseph Littlefield, 3d, Joseph Littlefield, 4th, Joseph Littlefield, 5th, Samuel Littlefield, Stephen Littlefield, Richard Lord, John Maxell, jun. Samuel Maxell, Stephen Maxell, Simeon Meryfield, Stephen Meryfield, Samuel Mildrum, Stephen Moffet, Dependance Morrison, Josiah Morrison, John Morrison, Richard Parey, Benjamin Penny, Daniel Penny, Jacob Perkins, Josiah Perkins, James Perkins, Newman Perkins, Seth Shearman, John Staples, jun. Benjamin Stevens, Jonathan Stevens, Benjamin Steward, Ebenezer Storer, Jedediah Storer, Jeremiah Storer, Nicholas West, Benjamin Williams, Joseph Williams, John Williams, and Samuel Williams, all of Wells, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated, as a religious society, by the name of the First Baptist Society, in Wells, with all the powers and privileges which are exercised and enjoyed by parishes according to the constitution and laws of this commonwealth.

SECT. 2. *Be it further enacted,* That any person within the said town of Wells, who may desire to become a member of the said Baptist society, and shall declare such intention in writing, delivered to the minister or clerk thereof, fifteen days at least previous to the annual meeting, and

W

shall

Members to obtain a certificate.

shall receive a certificate signed by the said minister or clerk, that he or she has actually become a member of, and united in religious worship with the said Baptist society, such person shall, from the date of such certificate, be considered with his or her polls and estate, a member of said society.

Provide.

SECT. 3. *Be it further enacted*, That when any member of the said Baptist society shall see cause to leave the same, and to unite in religious worship with any other religious society in the said town of Wells, and shall give notice of such intentions to the clerk or minister of said Baptist society, and shall also give in his or her name to the clerk or minister of such other society, fifteen days at least previous to their annual meeting, and shall have received a certificate of membership, signed by the minister or clerk of said society, such person shall, from the date of such certificate, with his or her poll and estate, be considered a member of said society: *Provided however*, that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid previous to the leaving said society.

Justice to issue his warrant.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said Baptist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

[This act passed Feb. 28, 1807.]

CHAP. CXVII.

An act for the preservation of the fish, called Alewives, in their passage up the rivers and streams, leading through the towns of Salem and Danvers, in the County of Essex, and for regulating the taking said fish in said streams, and for repealing all laws heretofore passed, for regulating the fishery in said rivers and streams.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the towns of Salem and Danvers, shall be, and they

they are hereby respectively empowered and directed, at their annual town meetings, to choose by ballot, a number, not exceeding five persons in each town, as a fish committee, whose duty it shall be to see that the laws respecting the passage-ways for said fish be duly observed; and each person so chosen, shall take an oath for the faithful discharge of the duties required of him by law; and the committees from each of said towns, shall meet together annually, on or before the first day of April, as the person first chosen by the town of Salem shall appoint, to be by him duly notified; and the major part of the committees present at such meetings, are hereby authorized and empowered to order the times, not exceeding three days in any one week; and the places where, and the manner in which said fish may be taken, within the limits of either of the said towns. And the members of the committees aforesaid, shall have joint and concurrent jurisdiction, in either of the said towns; and the said committees, or either of them, or the members of either of them, shall have full power to act as such, in either of said towns. And in case either of said towns shall neglect to choose such committee, the town not neglecting, shall have all the emoluments arising from the fishery, hereafter mentioned. And the said committees, or either of them, on neglect, as aforesaid, shall have power to cause the whole natural course of the streams, through which said fish pass, in both the said towns, to be kept open, and without obstruction, to remove such as may be found therein, to make the passage-ways of such streams wider or deeper, if they may deem it necessary. And the said committees, or either of them, or any member thereof, shall have authority to go on the land of any person, through which such river or stream runs, or on which such land may be bounded, for the purpose aforesaid, without being considered as trespassers; and any person who shall molest or hinder the said committees, or either of the members thereof, in the business and execution of their office, or shall obstruct any passage-way in such river or stream, otherwise than may be allowed by such committee or committees, he or she shall forfeit and pay a sum not exceeding fifty dollars, nor less than five dollars.

SECT. 2. *Be it further enacted,* That the said committees, or the major part of them present, at any meeting duly notified, being not less than three in number, shall be, and they are hereby authorized and empowered to open any dam or sluice-head of any mill erected, or that may be erected,

Fish committee to be chosen.

To meet annually.

Advantages arising from choosing.

Disadvantages in case of neglect.

Dams to be opened.

erected, on or over any such river or stream, at the expense of the owner or owners of such dam, or sluice; if such owner or owners shall neglect to open the same, when thereto required by said committees, or the major part of them, as aforesaid; and the dam or sluice so opened, shall continue open, such depth and width as the said committees, or the major part of them shall order, from the tenth day of April, to the last day of May, in every year; and the said committees may (when they shall deem it necessary) order the passage-ways open at an earlier period, not prior to the first day of April. And in case any person or persons shall obstruct the passage-way allowed or ordered by said committees, or the major part of them, in any dam or sluice, each person so offending, shall forfeit and pay a sum not exceeding fifty dollars, nor less than ten dollars.

Penalty for obstructing passage-ways.

SECT. 3. *Be it further enacted*, That the owner or owners of any tide-mills erected, or that may be hereafter erected, shall (in addition to the regulations before prescribed for mill-dams) keep a sluice-gate hoisted, or passage-way open, of three feet in width, and two feet high, three hours before high water, and to continue open such width and depth, until high water, and the bottom of such passage-way so opened, shall be as low as the said committees shall direct, on penalty of forfeiting for each tide, when such sluice-gate is not hoisted, or said passage-way so opened, a sum not exceeding twenty dollars, nor less than five dollars.

Owners of tide-mills to make sluice-gate.

SECT. 4. *Be it further enacted*, That the committee, appointed as aforesaid, are hereby authorized and empowered to lease or sell at public vendue, or otherwise, the privilege of taking and disposing of said fish, when they shall deem it expedient; and the person or persons purchasing the said privilege, shall pay one moiety thereof to the treasurer of the town of Salem, and the other moiety thereof to the treasurer of the town of Danvers, on or before the last day of September, annually, under the penalty of paying one hundred dollars for the use of the said towns; and no person hiring or purchasing said privilege, shall demand of any person more than at the rate of thirty cents for each hundred of said fish thus sold, on penalty of paying five dollars for each offence; and any person or persons, taking any of said fish, not being authorized by the said fish committee, shall pay a fine of not more than ten dollars, nor less than one dollar.

Privilege of taking fish to be leased at auction.

Price of fish limited.

SECT. 5. *Be it further enacted*, That when the committees aforesaid, or either of them, or any member thereof, shall detect any person or persons, not authorized by said committee, in attempting to take any of said fish, and shall find such fish with such person or persons, they shall be doomed to have taken said fish, and be subject to the penalties of this act accordingly; and any net or other machine, found in any such river or stream, for the purpose of taking said fish, (not authorized by the said committees) shall be forfeited; and no person, by reason of his being one of either of the committees aforesaid, shall thereby be disqualified from being a witness in any prosecution, for a breach of this act.

Penalty for taking fish without authority.

SECT. 6. *Be it further enacted*, That any justice of the peace in either of the said towns of Salem and Danvers, may hear and determine any complaint under this act, to the amount of thirteen dollars and thirty-three cents, his being an inhabitant of the said town, notwithstanding; and in case any minor or minors shall offend against any part of this act, and thereby incur any or either of the penalties aforesaid, in all such cases, the parent, master, or guardian, of such minor or minors, shall be answerable therefor; and in case of a prosecution of such minor or minors, the action shall be commenced against the parent, master, or guardian of such minor or minors, respectively, and judgment rendered accordingly.

Prosecutions to be commenced before any justice in Salem or Danvers.

SECT. 7. *Be it further enacted*, That all sums recovered, as forfeited by this act, shall be appropriated, one moiety thereof to the prosecutors, and the other moiety equally divided between the said towns of Salem and Danvers.

Sums recovered to be divided.

SECT. 8. *And be it further enacted*, That all laws heretofore passed, concerning the fishery in the rivers and streams aforesaid, be, and the same are hereby repealed, excepting so far as may relate to any forfeitures or penalties, incurred for the breach of those laws.

Repeal.

[This act passed Feb. 28, 1807.]



LAWS

PASSED AT THE SESSION COMMENCED ON THE
TWENTY-SEVENTH DAY OF MAY, 1807.

SPRUCE-CREEK BRIDGE COR. *May 15, An. 1807.*

CHAP. CXVIII.

An act to incorporate certain persons for the purpose of building a Bridge over a branch of Piscataqua River, in the town of Kittery, called Spruce-Creek, and for supporting the same.

WHEREAS, a new high-way, lately laid out Preamble: from Portsmouth ferry to York Court-House, in the shortest practicable direction, passes over a branch of Piscataqua River in the town of Kittery, called Spruce-Creek, which will require a bridge of about forty rods in length.—And whereas, David Sewall, Daniel Sewall, and Isaac Lyman, for themselves and their associates, have petitioned this court for liberty to build the same, and to be incorporated for that purpose :—

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Sewall, Daniel Sewall, Isaac Lyman, Abigail Emerson, Jonathan S. Barrell, William Lyman, Samuel Lunt, jun. George G. Barrell, Moses Lyman, Joseph Sewall, Nathaniel Sewall, John Donnell, Bulkeley Emerson, Thomas Savage, Timothy Grow, Reuben Derby, John Lowe, Thomas Mugridge, William Mugridge, Theodore Parker, Daniel Parker, Peletiah Jones, Nathaniel Wilson, William Weeks, Diamond Lewis, William Parker, Nicholas Weeks, John Weeks, Daniel Parker, jun. John Lewis, Robert Haley, Simon Lewis, Charles Lewis, Benjamin Parker, Samuel Wilson, Simeon Haley, and Jeremiah Clarke, with such others as have already associated, or may hereafter associate with them for that purpose, be, and hereby are made and constituted a corporation and body politic, by the name of the Proprietors of Spruce Creek Bridge, and by that name Proprietors incorporated. may

may sue and be sued to final judgment and execution, and do and suffer all matters and things, and be entitled to such privileges as bodies politic may or ought to do and suffer, and are entitled unto; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Meeting called.

SECT. 2. *And be it further enacted,* That any three of the persons before named may call a meeting of the proprietors aforesaid, to be holden at any convenient time and place, by posting up notifications thereof, fourteen days prior to the time assigned, in some place in the towns of Kittery and York: And the said proprietors, by a vote of those present or represented at said meeting, allowing one vote to and for each single share, in all cases, *provided* no one proprietor shall have more than ten votes; shall choose a clerk, who shall be sworn to the faithful discharge of the duties thereof; and shall also agree on a method of calling future meetings; and at the same, or some subsequent meeting or meetings, may choose such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of the said corporation, and for carrying into effect the purposes aforesaid; and may annex penalties to the breach of any by-law not exceeding *ten dollars*. And all representations at said meeting shall be in writing and filed with the clerk of said corporation. And this act, and all rules, regulations and proceedings of said corporation, shall be fairly and truly recorded by said clerk in a book to be provided and kept for that purpose.

Proprietors empowered.

SECT. 3. *And be it further enacted,* That the proprietors aforesaid, be, and hereby are authorized and empowered to erect a bridge over Spruce-Creek aforesaid, at a place where the said common high-way is or may be established. And said bridge shall be well built, twenty-four feet at least in width, and six feet in the lowest part above the water, in common tides at high water, and substantially covered with plank or other materials, suitable for such bridges, with suitable rails on each side, with a convenient draw or passage way, at least twenty-five feet wide, in the channel, for the passage of vessels.

Shares transferable.

SECT. 3. *And be it further enacted,* That the shares in said bridge, shall be deemed and taken as personal estate, and shall and may be transferable by deed, acknowledged before a Justice of the Peace, and recorded by the clerk of said corporation in a book to be kept for that purpose.

And

And when any share shall be attached on mesne process, or taken in execution, a certified copy of the process, at the time of attachment, or taking on execution, shall be left with the clerk of said corporation; otherwise such attachment or taking shall be invalid. And such share or shares may be sold on execution in the same way and manner as is or may be provided by law for making sale of personal property on execution. And the officer making the sale, the judgment creditor, or the vendee, leaving a copy of the execution and the officer's return thereon with the clerk of said corporation, within fourteen days after such sale, and paying for recording the same, shall be deemed and taken as a complete transfer of such share or shares in said bridge.

SECT. 5. *And be it further enacted,* That when any proprietor shall neglect to pay any tax or assessment duly voted and agreed upon by the corporation, to the treasurer, within forty days from the time appointed for payment thereof, the treasurer of the corporation is hereby authorized to sell at public vendue, one or more share or shares of such delinquent proprietor, as shall be sufficient to pay the said taxes, and necessary incidental charges, after posting up notice thereof in two several public places in the several towns of Kittery and York, fourteen days prior to the sale, or causing the same to be published in one of the weekly newspapers, printed at Portsmouth, New-Hampshire, for the like space of time. Delinquent's

SECT. 6. *And be it further enacted,* That for the purpose of reimbursing the proprietors the money by them expended in building and supporting said bridge, a toll be, and hereby is granted, to be collected and paid to such person as they shall authorize and appoint to receive the same, for their use, viz:—For each foot passenger, *one cent*; for each man and horse, *four cents*; for each horse and chaise, sulkey, or riding chair, *eight cents*; for each sled, sleigh, waggon or cart, drawn by one beast, *six cents*, and if drawn by two beasts, *ten cents*, and if drawn by more than two beasts, *two cents* for each additional one; for neat cattle or horses, *two cents* each; for sheep or swine, *four cents* per dozen, and in that proportion for a less or greater number. And to each team one person, and no more, to be allowed as a driver, to pass free from toll; for each coach, chariot, phaeton, or other four wheel carriage, drawn by two horses (with the passengers therein) *sixteen cents*, and if drawn by more than two horses, *twenty cents*. And the said toll may commence Toll.
Rates of

in one month after the said bridge and the road leading thereto, shall be finished and made passable; and notice thereof communicated to the Court of Common Pleas for the county of York. And at the place where the toll shall be received, there shall be constantly exposed to open view, a board expressing the tollable articles, and the rates of toll aforesaid, fairly and legibly written or printed thereon: *Provided always*, that no toll shall be taken for the passage of vessels through the same, nor from persons who may be passing, with a horse or carriage, or on foot, to or from public worship on the Lord's day, or to or from any grist mill, or from any person or persons passing on military duty, or going or returning from schools, or town or parish meetings.—And the toll may be commuted with any corporation, person, or persons, by taking of him or them a certain sum quarterly or annually, as may be mutually agreed on, in lieu of the toll; and at all times when the toll receiver shall not attend his duty, the gate or gates shall be left open. And in case said proprietors shall neglect to keep said bridge in good and safe repair, on the same being made to appear to the Court of Common Pleas for the county of York, it shall be in the power of the said court to prohibit the proprietors from taking toll from any person passing the same, until it be put into such repair as shall by said court be considered sufficient. And the proprietors shall be liable to pay all damages which may happen to any person from whom the toll may be demandable, from the insufficiency or want of repair of said bridge; and be also subject to the presentment of the grand jury for neglects and deficiencies, in suffering said bridge to be dangerous or unsafe for passengers.

Proviso.

Prohibition in case of neglect.

Liable in case of.

Expense and income to be exhibited.

SECT. 7. *And be it further enacted*, That said proprietors shall, within six months after the said bridge shall be completed, file in the office of the Secretary of this Commonwealth, an account of the expenses that have arisen in building said bridge. And also annually exhibit to the Governor and Council a true account of the income and dividends arising from said toll, with their necessary annual disbursements on the same bridge. And the books of the said corporation shall at all times be subject to the inspection of a committee, to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

SECT. 8. *And be it further enacted*, That the General Court may dissolve the said corporation, whenever it shall appear

appear to their satisfaction that the income arising from the toll shall have fully compensated the proprietors for all the monies expended in building and keeping the said bridge in repair, together with *twelve per cent.* by the year interest thereon. And thereupon the property of said bridge shall be vested in this Commonwealth: *Provided always*, that if the said corporation shall neglect to build and complete the said bridge for the space of four years from the passing of this act, the same shall become void and of no effect.

To become the property of the Commonwealth. Proviso.

[This act passed June 15, 1807.]

CHAP. CXIX.

An act to incorporate the District of Plainfield, in the county of Hampshire, into a town by the name of Plainfield.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the District of Plainfield, in the county of Hampshire, with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of Plainfield, and the said town is hereby vested with all the powers, privileges, and immunities, which other towns do, or may enjoy, by the Constitution and Laws of this Commonwealth.

[This act passed June 15, 1807.]

CHAP. CXX.

An act in addition to an act, entitled "An act to establish an Academy in the town of Hebron, by the name of the Hebron Academy, and to create a corporation of trustees for the same.

WHEREAS, the trustees of said Academy have in their petition represented that they held a meeting on the sixth day of June, A. D. 1804, called pursuant to their act of incorporation, and adjourned the same to a then future day, at which last time three only of the trustees attended, (five being necessary to constitute a quorum) and at such adjourned meeting further adjourned the same, till a quorum met, when they proceeded to transact their necessary business: And whereas, the legality of their proceedings

Preamble.

ings

ings and doings, under such circumstances, may be hereafter questioned :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any one of the trustees named in said act, be, and he is hereby authorized as soon as may be, to call a meeting of the trustees of said academy, to be held at such time and place as he shall see fit to appoint ; and shall give personal and written notice thereof to each one of the trustees thirty days prior to the time appointed for holding the same, and all votes and proceedings had and passed at any former meeting or meetings of said trustees, held by an adjournment made at any meeting held by three only of the trustees, said votes and proceedings being laid before the meeting to be called as herein required, and by them approved and sanctioned, shall be, and are hereby made as firm and valid as if they had been had and passed at a meeting held by said trustees pursuant to their act of incorporation.

Trustees to call a meeting.

SECT. 2. *And be it further enacted,* That in future, any three of said trustees shall and may constitute a quorum for the purpose of adjourning any future meetings, but not for transacting business ; any thing in the act to which this is an addition to the contrary notwithstanding.

[This act passed June 19, 1807.]

CHAP. CXXI.

An act to authorize Joseph Russell to build a Bridge from Belle Isle, formerly called Hog Island, within the Harbour of Boston, over a salt Creek, or water passage, between said Island and the town of Chelsea.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Russell be, and he is hereby authorized to build a Bridge from Belle Isle, otherwise called Hog Island, in the harbour of Boston, to the town of Chelsea ; *Provided however,* that the said bridge shall always be free, and that no toll shall ever be demanded of any person for passing the same.

Joseph Russell authorized.

Proviso.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That the legislature shall, at any future period, have the right to alter or amend this act, by rendering the waters

ters passable for such vessels as may navigate there, whenever the General Court may think such alteration necessary or convenient for the public.

[This act passed June 19, 1807.]

CHAP. CXXII. *Chap. 11*

An act, in addition to an act, entitled "An act to incorporate Royal Makepeace, and others, into a society for the purpose of building a Meeting House, and supporting public worship therein, in the easterly part of Cambridge.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Royal Makepeace, Jonathan L. Austin, and Rufus Davenport, or any two of them, be, and they hereby are authorized to call a meeting of said society for the purpose of choosing such officers as they are by law entitled to elect, by giving notice of the time and place of holding said meeting in two newspapers, printed in Boston, four days at least before the time assigned for holding such meeting.

Persons authorized to call a meeting.

SECT. 2. *And be it further enacted,* That at the said meeting, or at any other meeting legally notified and holden for such purpose, the said society may appoint a committee to sell and convey by deed, any, or all the pews now belonging to the corporation, in such manner and on such terms as they may direct, and also to pass all such by-laws for the regulation of their affairs, as may not be repugnant to the constitution and laws of this commonwealth.

To dispose of pews.

[This act passed June 19, 1807.]

CHAP. CXXIII. *Chap. 12*

An act, in addition to an act, entitled "An act, in addition to an act, entitled an act to establish a corporation by the name of the Belchertown and Greenwich Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time, until the first day of November next, be allowed to said corporation for completing their

their said turnpike road ; continuing to the same corporation all the rights, powers and privileges ; and enjoining on them all the duties contained in the act to which this is an addition.

[This act passed June 19, 1807.]

CHAP. CXXIV.

An act, in addition to an act, entitled " An act to establish the Peterham and Monson Turnpike Corporation," passed February 29, A. D. 1804.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of one year from and after the passing of this act, be allowed to said turnpike corporation for completing said road ; and for this purpose, the said corporation shall have all the powers, rights and privileges, and be subject to all the duties, requirements, and penalties, contained in the act aforesaid.

[This act passed June 19, 1807.]

CHAP. CXXV.

An act, in addition to an act, entitled " An act to establish the Bluehill Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That said corporation be, and hereby are authorized in lieu of the whole toll gate now erected on said turnpike road, to erect two half toll gates on said road, and to demand and receive at each of them, half the rates of toll that they are now authorized to receive at the one whole toll gate, already erected on said road, one of said half toll gates to be erected on said road between Elbowhill (so called) and the old road leading by the house of Nathaniel Tucker, in Milton, the other half toll gate to be erected on said road, between the house of Elijah Vose, in Milton, and the old road leading from Noah Reed's, to Quincy ; *Provided nevertheless*, that if said corporation shall at any time make an agreement with such person or persons as usually travel over only the north end of said road, respecting

Half toll gates
to be erected.

Proviso.

respecting their toll, then said corporation may unite said two half toll gates into one whole toll gate, to be erected on said road, between said Elbowhill, (so called) and the house of Nathaniel Tucker aforesaid, and to demand and receive the same rates of toll, that they now receive at the gate already on said road: *Provided also*, that neither of said gates, shall at any time be erected on any part of said road that is built on an old road.

[This act passed June 19, 1807.]

CHAP. CXXVI.

An act to establish the Bethlehem and Tyringham Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Baldwin, Elijah Benton, Adonijah Bidwell, Josiah Brewer, Josiah Brewer, jun. John Brewer, Joseph Brewer, jun. Jones Brewer, John Garfield, Giles Jackson, Adonijah Jones, Orange Judd, Robert Kilburn, Jabez Kingsberry, Abner Morley, Eleazer Rockwell, Stephen Sibley, John Sweet, Reuben Webb and Josiah Webb, together with such others as have associated or may hereafter associate with them and their successors and assigns, be, and they are hereby made a corporation by the name of the Bethlehem and Tyringham Turnpike Corporation, for the purpose of laying out and making a turnpike road from the Tenth Massachusetts Turnpike in Bethlehem, near the bridge north of the dwelling house of Samuel Byington, and thence westerly in the most direct and practicable line, to near the dwelling house of Elijah Benton, thence in the best direction to the dwelling house of Jonah Webb, thence in the best direction to the south side of the dwelling house of John Sweet, thence to and in front of the dwelling houses of Josiah Brewer and Giles Jackson, in Tyringham, thence in the most direct and practicable line to the south side of the dwelling house of John Garfield, and between the dwelling house and store of David Wilmot, thence near the dwelling house of Jacob Mills, thence to and between the dwelling house and barn of Seth Morfe, in Great Barrington, thence to the store occupied by Bacon and Rogers, to the county road leading from Stockbridge to said Great Barrington; and for this purpose shall have all

Persons incor-
porated.

Their powers & privileges.

all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

[This act passed June 19, 1807.]

CHAP. CXXVII.

An act to establish a corporation, by the name of the Westford and Lexington Turnpike Corporation.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Heald, William Meriam, John Meriam, Abel Abbot, Isaiah Green, Nathan Heyward, Timothy Jones, and Oliver Read, jun. together with such others as have associated or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Westford and Lexington Turnpike Corporation, for the purpose of laying out and making a turnpike road from a stone bridge, near the house of John Raymond, in the southerly part of the town of Westford, to the meeting house in Lexington; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

Corporation empowered.

SECT. 2. *Be it further enacted,* That the said corporation shall be authorized to erect on said road, one gate, and at the same shall be entitled to demand and receive like rates of toll, as are established in the aforesaid act; any law to the contrary notwithstanding.

[This act passed June 19, 1807.]

CHAP. XI.

An act in addition to an act, entitled "An act establishing Courts of General Sessions of the Peace," passed the third day of July, in the year of our Lord seventeen hundred and eighty-two.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of September next, the Courts of General Sessions of the Peace in the several counties in this commonwealth, shall be holden by one chief, or first justice, and by so many associate justices as shall be hereinafter mentioned, and no more, for the several counties in said commonwealth, to be designated and appointed by the Governor, with the advice of Council, who shall issue commissions to them for that purpose, accordingly, instead of the same being holden by the justices of the peace of each county, and it shall be the duty of the justices appointed as aforesaid, to meet in their several counties, at the several times and places that now are or hereafter may be established by law for the holding of the several Courts of the General Sessions of the Peace.

Justices to be appointed.

SECT. 2. *Be it further enacted,* That the number of associate justices to be appointed and designated as aforesaid, for the several counties, shall be as follows, to wit: For the county of Suffolk, four; for the county of Essex, six; for the county of Middlesex, six; for the county of Worcester, six; for the county of Hampshire, six; for the county of Berkshire, four; for the county of Norfolk, four; for the county of Plymouth, four; for the county of Bristol, four; for the county of Barnstable, two; for the county of Dukes County, two; for the county of Nantucket, two; for the county of York, four; for the county of Cumberland, four; for the county of Oxford, four; for the county of Lincoln, four; for the county of Kennebeck, six; for the county of Hancock, six; and for the county of Washington, two.

Number of justices in each county.

SECT. 3. *Be it further enacted,* That the justices appointed as aforesaid, shall have all the powers and privileges, and do and perform all the duties that the Courts of General Sessions of the Peace now have and perform, in and by the act to which this is an addition. *Provided always,* that the justices to be appointed and designated as aforesaid, shall not be appointed or serve upon any committee of the

Powers and privileges.

Proviso.

the laying out, altering or discontinuing any road or highway.

Compensation.

SECT. 4. *Be it further enacted*, That the justices appointed as aforesaid, and for the purpose aforesaid, shall receive for their service in said court, three dollars by the day, each, during their actual attendance on said courts, and for their travel to the said courts, the sum of two dollars for every ten miles travel, and in that proportion for a longer or shorter distance, to be paid out of the county treasury.

Further powers.

SECT. 5. *Be it further enacted*, That the said justices to be appointed as aforesaid, shall also have power to receive, examine, allow, and order to be paid out of the county treasury, any account, or so much thereof, as may to them appear reasonable, for services done in any prosecution, for any criminal offence, committed or prosecuted in any of said counties, where provision is not already made by law, for the payment of any such services.

SECT. 6. *And be it further enacted*, That whenever it shall happen that there is not a majority of said justices assembled at the time for holding the said court, any one or more of said justices shall have power to adjourn said court, until a quorum shall be assembled.

[This act passed June 19, 1807.]

CHAP. XII.

An act to establish the Mashapog Turnpike Corporation.

Proprietors incorporated.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Daniel Parker, George Gilbert, Thomas Danforth, Daniel Smith, Mason Cobb, John Morfe, Lewis Morfe, and Benjamin Richards, jun. together with such others as already have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Mashapog Turnpike Corporation, for the purpose of locating, making and keeping in good repair, a turnpike road, from Norton meeting house, in the county of Bristol, to the third school-house, (so called) in the town of Canton, in the county of Norfolk, on the most direct and convenient route; and for this purpose, shall have all the powers and privileges, and shall be subject to all the duties, requirements, and penalties.

ties, prescribed and contained in an act, entitled "An act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

[This act passed June 19, 1807.]

CHAP. XHI.

An act to incorporate Joseph Newell, Ebenezer Niles, Abner Gardner and others, for the purpose of building a Bridge across Mill Creek.

WHEREAS application hath been made to this court, for permission to build a bridge over Mill Creek (a branch of Neponset River) in the town of Dorchester, in the county of Norfolk, and it appearing that a bridge over said Mill Creek will be of public utility :

Preamble

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Newell, Ebenezer Niles, and Abner Gardner, together with their associates, successors, and assigns, be, and they hereby are made and constituted a corporation and body politic, by the name of the Proprietors of Commercial Point Bridge Corporation ; and they hereby are made capable of suing, and being sued, and are and shall be entitled to all the privileges, and subjected to all the penalties of bodies corporate, for the purposes of building a bridge over said Mill Creek, from Leed's Neck, so called, to Barque Warwick Street, so called.

Persons incorporated.

SECT. 2. *Be it further enacted,* That said bridge shall be constructed with a draw, eighteen feet in width, so that vessels of the largest size the water will admit, can conveniently pass through the same.

Draw.

SECT. 3. *Be it further enacted,* That the said Joseph Newell, Ebenezer Niles, Abner Gardner, and their associates, successors and assigns, are hereby authorized and empowered to make by-laws, for regulating, managing and governing the concerns of said corporation, and to make and use a common seal, and the same to alter and renew at their pleasure.

Corporation empowered.

SECT. 4. *Be it further enacted,* That within three years from the passing of this act, said bridge shall be built, made convenient

convenient

convenient and safe, and at all times free of toll, and passable, for the accommodation of travellers.

SECT. 5. *Be it further enacted*, That the legislature of this commonwealth shall, at all times hereafter, have the right to repeal any part of this act, or to alter and amend it, so as to facilitate the passing up and down the said Mill Creek.

[This act passed June 19, 1807.]

CHAP. XIV.

An act to incorporate a number of the inhabitants of the town of Dorchester, in the County of Norfolk, into a religious society, by the name of the Second Parish in Dorchester.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Baker, Samuel Withington, Joseph Clap, Ebenezer Withington, Samuel Temple, Stephen Badlam, Edmund Baker, Samuel Richards, John Preston, Isaac Howe, jun. Joseph Clap, jun. Ebenezer Davenport, Ather-ton Tucker, John Hawes, Stephen Pierce, John Capen, jun. Nathaniel Swift, Joseph Tolman, Isaac Withington, Joseph Arnold, Robert P. Tolman, Edward Withington, Harry Smith, Samuel Capen, jun. Abel Wheelock, John Capen, 3d, Thomas Crehore, James Robinson, Stephen Robinson, William Walker, Spencer Walker, William Walker, jun. Joshua Glover, Charles P. L. Peircivall, Richard Trow, Edward Haynes, William Cox, Isaac Crane, Benjamin Simmons, Lemuel Shepard, Benjamin Burrill, Henry K. Bailey, Ezra Badlam, John Buffey, Mary Davenport, Samuel Leeds, jun. Mary Ingerfol, Samuel K. Spurr, Abigail Leeds, John Nightingale, Ezekiel Holden, Enclid Hileston, Patience Badlam, Benjamin D. Tolman, Joseph Thompson, Samuel Williams, Cyrus Brewer, Silas Eaton, William N. Baker, John Barton, Thomas Briggs, Jonathan Pierce, Alexander Pierce, Samuel Bridge, Luther Smith, Anna Blake, Benjamin Pierce, William Turner, Joseph Spear, Marvel Thayer, Thomas Tolman, Lemuel Pratt, Daniel Tower, Absalom Herring, Samuel Franklin, James Kilton, Nathaniel Newman, Reuben Blake, Griffin Child, William Fox, John Capen, 7th, Daniel Leeds, William Humphrey, Joshua Pierce, Thomas Buffey, Barnabas Lothrop, Daniel Wheelock,

David

David Johnson, Eleazer Bispham, Phinehas H. Mosley, Thomas Danforth, jun. Edward Capen, Edward Sharp, Jeduthun Onthank, Thaddeus Stetson, William Dorr, Grizel Dolbeare, Relief Vincent, Elizabeth Tolman, Oliver Jordan, David Spear, Elizabeth Robinson, Samuel Withington, jun. Ellis Thayer, George Baker, Thomas Jones, Henry Cox, Ezekiel Tileston, James Tolman, Luke Trott, Edmund Tileston, Mark Hollingsworth, Deborah Trefcott, William Trefcott, John Capen, Joshua Jones, Simeon Howe, Josiah Randall, Spencer Godiug, Edward Simmons, Bethuel Allen, Sarah Henly, William Henly, Jonas Johnson, Ebenezer Capen, Lewis Leash, Isaac N. Field, James McIntosh, Samuel B. Pierce, John Mellish, Ebenezer V. Lyon, Lemuel Withington, Abraham Pierce, Zenas Eaton, Samuel B. Lyon, John Baker, Mary Jones, John Capen, 4th, Thomas Lyon, Jane Baker, William Tolman, Elizabeth Williams, Mary Robinson, Jane Withington, Daniel Withington, Ebenezer D. Tileston, Abraham Wheeler, Jonathan Pierce, jun. Ebenezer Clap, Samuel Leeds, 3d, Joseph Foster, Samuel Leeds, Samuel Topliff, jun. Thomas Tileston, Sarah Soren, John Johnston, William Bridges, Abigail M. Daniels, Abigail Baker, Elizabeth Janes, Benjamin Hichborn, John White, jun. Clarissa Kent, Mary Fowler, Elizabeth Tileston, the petitioners, with such other inhabitants of said town of Dorchester, as shall desire to unite with them, and signify the same to the Clerk of said town, at any time previous to the first day of May next, be, and hereby are incorporated into a religious society, by the name of the Second Parish in Dorchester; with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are entitled by law.

SECT. 2. *Be it further enacted,* That the polls and estates of all such persons who become members of said second parish, and what they shall respectively hold, or occupy, on the first day of May annually, in said town, shall be taxable in said second parish, and in that only, for parochial purposes. Taxable.

SECT. 3. *Be it further enacted,* That any of the members belonging to the first parish, in said Dorchester, or that may hereafter belong to said second parish, desiring to change their relation from one parish to the other, shall have full right and liberty so to do, with their polls and estates, at any time within one year from the passing of this act of incorporation of said second parish: *Provided,* they shall signify the same in writing, to the Clerk of said town of Members at liberty to change parishes.
Dorchester, Provido.

Dorchester, and Clerk of said second parish; and they shall be recorded by said Clerks accordingly.

Description of persons who may join.

SECT. 4. *Be it further enacted*, That all young persons in said town, when they attain to the age of twenty-one years, and all persons who may hereafter settle within the limits of the same, and shall desire to join the second parish aforesaid, shall have full liberty so to do, at any time within twelve months from the time they attain to such age, or from the time of such settlement, with their polls and estates, by signifying their desire in writing, to the Clerk of said town, and Clerk of said second parish.

Income and property to be divided.

SECT. 5. *Be it further enacted*, That the income of the ministerial land, so called, which was given and set off, for the use and maintenance of the ministry, and the income of all other ministerial land and property, which shall be used for the support and payment of the minister or ministers of the gospel, in the town, shall be annually divided between the first parish, and said second parish, in proportion as the members of each parish, collectively, bear to each other, in the State tax, which shall be assessed from time to time, to be annually compared and ascertained by the assessors of both parishes, and to be drawn from the town treasury accordingly.

Non-resident estates.

SECT. 6. *Be it further enacted*, That all ministerial taxes assessed and raised within the town, on estates belonging to non-residents, shall be divided between the first parish and the said second parish, in the ratio established for the division of the income of the ministerial lands and funds.

Parish to draw from the Treasury for a time.

SECT. 7. *Be it further enacted*, That the members of said second parish shall draw from the town treasury for the use of their society, their proportion of the amount of the ministerial income and taxes, according to their assessments, when compared with the other part of the town, reckoning from the first day of May last, until they shall be enabled to assess themselves, under the act of incorporation.

And whereas, it is represented to this Court, that the South Meeting-House in said Dorchester, was erected to accommodate the members of said second parish, for a place of public worship:—

Proprietors authorized to convey.

SECT. 8. *Be it therefore enacted*, That the proprietors of said house, and land thereto belonging, be authorized and empowered, by a committee chosen at a legal meeting, called for that purpose, to convey the same to the said second parish, under such regulations and conditions as they may agree

agree upon, reserving to individuals the pews owned and held by them respectively.

SECT. 9. *Be it further enacted*, That the said second parish be authorized and empowered, with the consent and agreement of the proprietors of said Meeting-House, or pews in the same, first being obtained at a legal meeting, to raise by assessments, on said pews, from time to time, such sums of money as may be necessary for the support or payment of the salary of the minister, or ministers of the gospel, and other parochial expenses; or such part thereof, as may be agreed upon by the proprietors as aforesaid, to be proportioned according to the original valuation of said pews, made previous to the sale thereof by a committee. And if any proprietor or proprietors of a pew, shall neglect to pay any assessments, which shall be made as aforesaid, for sixty days after the time appointed for the payment thereof, the treasurer of said second parish shall be authorized to sell all the estate and interest of any such delinquent proprietor in said Meeting-House, at public auction, first giving notice of the time and place of sale, fourteen days at least, before the time of sale, by posting up a notification at the east door, and one at the west door, of said Meeting-House. And upon such sale, to execute a good and sufficient deed, or deeds, to the purchaser, or purchasers; and after deducting the amount of said assessments, together with all the incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said treasurer may lease the same, if found more expedient, under the same regulations and restrictions, for such time as shall produce the amount of such assessments, and charges, and execute a lease accordingly.

Parochial expenses to be raised by assessments.

Delinquents.

Time of holding first meeting.

SECT. 10. *And be it further enacted*, That a meeting of the said second parish, shall be holden at said South Meeting-House, on the first Monday of July next, at two of the clock, in the afternoon, for the purpose of choosing a Clerk and other Officers, and exercising such other powers as are provided by an act for regulating parishes and precincts, and the officers thereof, passed June the twenty-eighth, one thousand seven hundred and eighty-six, and to agree upon a method of calling meetings of the parish in future.

[This act passed June 19, 1807.]

CHAP. XV.

An act, annexing a part of Plantation Number One, in the county of Oxford, commonly known by the name of Thomfontown, to the town of Hartford, in said county.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a part of said Plantation number One, together with the inhabitants thereon, as described within the following bounds, be, and hereby are annexed to, and made a part of said town of Hartford, viz:—Beginning at the north-east corner of said Hartford; thence south, eighty-one degrees east, one hundred and seventy-six rods, to a tree, marked on the line of the town of Livermore; thence north, four hundred and thirty-seven rods, on said line of Livermore, to the town of Jay; thence south, seventy degrees west, two miles, one hundred and eighty rods, to the northerly line of Hartford; thence westerly, on said northerly line of Hartford, about seventy rods, to the line of said number One; thence north, nineteen degrees west, three miles, to the corner of Fox's Grant, so called; thence south, forty-five degrees west, one mile and eighty rods, to a hemlock tree, marked; thence north, forty-five degrees west, one hundred and forty rods, to a beech tree, marked; thence south, forty-five degrees west, two miles and one hundred and eighty-five rods, to said northerly line of Hartford; thence south, sixty-five degrees east, one hundred rods, on said Hartford line; thence south, eighty-one degrees east, on said Hartford line, five miles, two hundred and eighty rods, to the bounds first mentioned; and the said inhabitants, hereby annexed to the town of Hartford, shall be entitled to all the privileges, and subject to the same duties and requisitions as the other inhabitants of the said town, according to the constitution and laws of this Commonwealth, and in as ample a manner as if they had been originally a part of the said town of Hartford.

[This act passed June 20, 1807.]

CHAP. XVI.

An act for fixing the time and place of holding the Courts of Common Pleas, in the county of Dukes County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

same, That from and after the passing of this act, the Court of Common Pleas, within and for the county of Dukes County, shall be holden at Edgartown, on the third Tuesday of May, and on the first Tuesday of November, annually; and that all actions, appeals, recognizances, or other process, that now are, or that may hereafter be commenced, or sued out, and returnable to the term of said Court, which, before the passing of this act, was to be holden at Salisbury, within and for the county of Dukes County, on the last Tuesday of October next, shall be returnable to, entered, prosecuted, tried, determined, and adjudged, at the term of said Court to be holden by virtue of this act, at Edgartown, on the first Tuesday of November next.

Time of holding courts.

SECT. 2. *Be it further enacted*, That all laws heretofore made, establishing or altering the times and places of holding the Courts of Common Pleas, within and for the county of Dukes County, be, and the same are hereby repealed.

Laws repealed.

[This act passed June 20, 1807.]

CHAP. XVII.

An act to alter the names of certain persons therein named.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, John Hayward, of Boston, in the county of Suffolk, student at law, shall be allowed to take the name of John White Hayward; that Jonathan Sprague, of Boston, aforesaid, physician, shall be allowed to take the name of John Sprague; that John Wheelwright, of Boston, aforesaid, merchant, be allowed to take the name of John Hall Wheelwright; that M'Gregory Bumside, of Andover, in the county of Essex, shall be allowed to take the name of Samuel M. Bumside; that Habijah Weld Fuller, of Augusta, in the county of Kennebeck, attorney at law, be allowed to take the name of Henry Weld Fuller; that Charles Vose, of Gardner, in said county of Kennebeck, merchant, be allowed to take the name of Robert Charles Vose; that Benjamin Tucker, of Dartmouth, in the county of Bristol, merchant, be allowed to take the name of Benjamin Ricketson Tucker. And said persons shall in future be respectively known and called by the names which they are respectively allowed to take

Names altered.

as aforesaid, and the same shall hereafter be considered as their only proper names, to all intents and purposes.

[This act passed June 20, 1807.]

CHAP. XVIII.

An act respecting the offices and duties of the Attorney-General, Solicitor-General, and County Attornies.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next, the Attornies for the Commonwealth, in the several counties, shall be appointed, commissioned and sworn, in the same manner as the Attorney-General and Solicitor-General are; and it shall be the duty of the said County Attornies, within their proper counties, to appear and act in behalf of the Commonwealth, and of their said counties respectively, in all cases in which the Commonwealth or a County may be a party, in the Courts of Common Pleas, the Municipal Court, and the Supreme Judicial Court, in the absence of the Attorney-General and Solicitor-General, and in such other prosecutions in behalf of the Commonwealth, as may be pointed out to them by instructions from the Attorney-General, or Solicitor-General; *Provided*, that the Attorney-General, when present, and, in his absence, the Solicitor-General, if present, shall, in any court, have the direction and controul of prosecutions and suits in behalf of the Commonwealth; and, *provided also*, that nothing herein contained, shall be construed to excuse the Attorney and Solicitor-General from attending to their official duties, as heretofore, in the Supreme Judicial Court.

County Attornies to be appointed by the Legislature.

Provide.

—To receive no private reward for public service.

SECT. 2. *Be it further enacted*, That no Attorney-General, Solicitor-General, or County-Attorney, shall receive any fee or reward, from or in behalf of any prosecutor, for services in any prosecution to which it shall be his official duty to attend, or, during the pendency of such prosecution, be concerned, as counsel or attorney for either party, in any civil action depending on the same facts.

[This act passed June 20, 1807.]

CHAP. XIX.

An act authorizing the sale of the School Lands in the town of Buckstown, to raise a fund for the support of Schools in said town, and for appointing trustees for these purposes.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Caleb B. Hall, Ephraim Goodale, Abner Curtis, Stephen Peabody, Mood Pillsbury, Jonathan Buck, and Daniel Buck, be, and hereby are appointed trustees, to sell at auction, the School Lands in the said town of Buckstown, and put out at interest the monies arising from such sale, in manner hereinafter mentioned: And for that purpose,

Trustees appointed.

SECT. 2. *Be it further enacted*, That the said trustees be, and they hereby are incorporated into a body politic, by the name of The Trustees of the Buckstown Schools, in the county of Hancock: And they and their successors shall be, and continue a body politic and corporate by that name forever; and they shall have a Common Seal, subject to alteration at their pleasure, and they may sue and be sued in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

—Incorporated.

SECT. 3. *Be it further enacted*, That the said trustees and their successors shall annually elect a president, and clerk to record the doings and transactions of the trustees at their meeting, and a treasurer, to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers for the better managing their business.

—To elect president and clerk.

SECT. 4. *Be it further enacted*, That the number of trustees shall not, at any one time, be more than seven, nor less than five; any five of their number to constitute a quorum for transacting business; and they shall, and may, from time to time, fill up vacancies in their number, which may happen by death, resignation, or otherwise, from the inhabitants of said town; and shall have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause of discharging their duty, and supply vacancies so made by a new choice from the town aforesaid; and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be found necessary to transact their necessary

—Number limited.

—Empowered to fill vacancies.

fary buſineſs, which meetings after the firſt, ſhall be called in ſuch a way and manner as the truſtees ſhall hereafter direct.

SECT. 5. *Be it further enacted*, That Caleb B. Hall, Eſq, be, and he hereby is authorized to fix the time and place for holding the firſt meeting of the truſtees, and to notify each truſtee thereof.

→Authorized
to convey lands.

SECT. 6. *Be it further enacted*, That the ſaid truſtees be, and they hereby are authorized to ſell and convey, in fee ſimple, all the School Lands belonging to ſaid town, and to make, execute, and acknowledge, a good and ſufficient deed or deeds thereof, which deed or deeds, ſubſcribed by the name of their treaſurer, by direction of ſaid truſtees, with their ſeal thereto affixed, ſhall be good, and effeſtual in law to paſs and convey the fee ſimple from ſaid town to the purchaſer, to all intents and purpoſes whatſoever.

Appropriation
of monies.

SECT. 7. *Be it further enacted*, That the monies ariſing from the ſale of ſaid lands, and for the uſe of ſchools in ſaid town, ſhall be put to uſe as ſoon as may be, and ſecured by mortgage of real eſtate, to the full value of the eſtate ſold, or money loaned, or by two or more ſufficient ſureties with the principal, unleſs the truſtees ſhall think it beſt to inveſt the ſame in public funded ſecurities, or Bank ſtock, which they may do.

—Of the in-
tereſt.

SECT. 8. *Be it further enacted*, That the intereſt ariſing from ſaid funds ſhall be annually appropriated for the uſe of public ſchools in ſaid town; and it ſhall never be in the power of ſaid town to alter or alienate the appropriation of the fund aforeſaid.

Treaſurer to
give bonds.

SECT. 9. *Be it further enacted*, That the treaſurer of the truſtees ſhall give bonds faithfully to perform his duty, and to be at all times reſponſible for the faithful applications and appropriation of the monies that may come into his hands, conformable to the true intent and meaning of this act, and for all negligence, or miſconduſt of any kind in his office.

Truſtees com-
penſated.

SECT. 10. *Be it further enacted*, That the truſtees, or their officers, for the ſervice they may perform, ſhall be entitled to no compenſation out of any monies ariſing from the fund aforeſaid; but a reaſonable compenſation ſhall be paid them by the town aforeſaid.

—To exhibit
annual ſtate-
ments.

SECT. 11. *Be it further enacted*, That the ſaid truſtees and their ſucceſſors, ſhall exhibit to the town; at their annual meeting, in March or April, a regular and fair ſtatement of their doings.

SECT. 12. *Be it further enacted*, That the said trustees, and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby; the debt or damage recovered in such suit, to be for the use aforesaid. —To be responsible.

[This act passed June 20, 1807.]

CHAP. XX.

An act for establishing a corporation, by the name of the Newburyport Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joshua Carter, Daniel Dana, James Morfe, Richard Pike, Edward Rand, Thomas M. Clark, Samuel A. Otis, Jonathan Gage, William Woart, Edward St. Loe Livermore, together with such persons as are, or hereafter may be associated with them, and their successors, shall be a corporation by the name of the Newburyport Academy, and by that name may sue and be sued, plead and be impleaded, and may have a common seal, and may purchase and hold real estate, provided the same shall not exceed thirty thousand dollars in value, exclusive of any buildings for the immediate use of said Academy, and may establish a fund for the use of said Academy, provided the annual income shall not exceed ten thousand dollars, and may, at any legal meeting, make and establish rules, orders, and by-laws, for the well ordering and governing the affairs of said corporation, *Provided* the same are not repugnant to the laws of this Commonwealth; and may annex penalties for the breach of any such rules, orders, and by-laws, provided the same shall not exceed five dollars; and said corporation are hereby vested with all the powers necessary for carrying into effect the purposes of this act. Persons incorporated. *Proviso.*

SECT. 2. *Be it further enacted*, That the property of the said corporation shall be divided into fifty shares, and the proprietors of such shares, at any legal meeting, may by vote determine the disposition or appropriation of the property of said corporation, and may make assessments upon the shares for the use of said corporation, and the same collect in such way and manner as may at such meeting be agreed upon, and all votes shall be determined by a majority. Property divided in shares.

ity of the voters present, counting one vote for each share ; provided no one member shall have more than five votes ; and the share or shares of any proprietor, who shall be delinquent in paying any assessment, may be sold at auction for the payment thereof, by the person appointed to collect the same, giving fifteen days notice in some public newspaper printed in Newburyport, of the time and place of sale, and after paying the assessment and all the necessary incidental charges, the overplus money, if any arising from the sale, shall be paid to the delinquent proprietor, and the shares in said corporation shall be deemed personal estate, and not real ; and shall be so distributed, in case of the death of any proprietor, and shall be liable to attachment, and payment of debts, in the same way and manner which is provided for by the " Act directing the mode of attaching on mesne process, and selling by execution shares of debtors in incorporated companies," and the proprietors may establish the manner of transferring the shares in said corporation.

SECT. 3. *Be it further enacted*, That said corporation may choose and appoint all such necessary officers as by their by-laws they may establish for such term of time.

SECT. 4. *Be it further enacted*, That Joshua Carter, Esq. be empowered to call the first meeting of said proprietors, by giving at least fifteen days notice by advertising in the Newburyport Herald, and no vote of the proprietors, at any meeting shall be deemed valid, except the subject matter thereof be inserted in the notification for calling the meeting.

[This act passed June 20, 1807.]

CHAP. XXI.

An act to establish the times and places for holding the Courts of General Sessions of the Peace, within and for the several Counties in this Commonwealth, and for repealing all laws heretofore passed for that purpose.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all laws heretofore made and passed, for fixing the times and places for holding the Courts of General Sessions of the Peace, within and for the several counties in this commonwealth, shall be, and the same are hereby

hereby repealed, from and after the first day of September next, at which time this act is to operate and be in force.

SECT. 2. *And be it further enacted,* That the Courts of General Sessions of the Peace, to be holden within and for the several counties in this commonwealth, shall be holden at the several times and places hereafter mentioned, that is to say : Suffolk—within and for the county of Suffolk, at Boston, on the first Tuesday of January, the third Tuesday of April, the first Tuesday of July, and on the first Tuesday in October. Essex—for the county of Essex, at Ipswich, on the second Tuesday of April, and on the second Tuesday of October. Middlesex—for the county of Middlesex, at Cambridge, on the first Tuesday of January, and at Concord, on the third Tuesday of September. Worcester—for the county of Worcester, at Worcester, on the second Tuesday of March, and on the second Monday of September. Hampshire—for the county of Hampshire, at Northampton, on the third Monday of January, and on the Monday next after the fourth Monday in August. Berkshire—for the county of Berkshire, at Lenox, on the fourth Monday of August, and the last Monday in December. Norfolk—for the county of Norfolk, at Dedham, on the fourth Monday of April, and on the third Monday in September. Plymouth—for the county of Plymouth, at Plymouth, on the third Tuesday of March, and the first Tuesday in August. Bristol—for the county of Bristol, at Taunton, on the fourth Wednesday of March, and the fourth Wednesday of September. Barnstable—for the county of Barnstable, at Barnstable, on the last Tuesday of March, and on the third Tuesday in September. Dukes County—for the county of Dukes County, at Edgartown, on the third Tuesday of May, and on the first Tuesday of November. Nantucket—for the county of Nantucket, at Nantucket, on the Tuesday next preceding the last Tuesday of March, and on the first Tuesday of October. York—for the county of York, at York, on the Thursday next preceding the third Monday in April ; at Alfred, on the Thursday next preceding the second Monday in September. Cumberland—for the county of Cumberland, at Portland, on the fourth Tuesday of March, and the first Tuesday in September. Lincoln—for the county of Lincoln, at Warren, on the Monday next following the second Monday of January ; at Wiscasset, on the Monday next following the second Monday of May ; at Topsham, on the Monday next following the

Time & places
of holding
courts.

the fourth Monday in August. Kennebeck—for the county of Kennebeck, at Augusta, on the last Tuesday of April, and the first Tuesday in December. Oxford—for the county of Oxford, at Paris, on the third Tuesday of March, and on the first Tuesday of September. Hancock—for the county of Hancock, at Castine, on the second Tuesday of May, and the third Tuesday in November. Washington—for the county of Washington, at Machias, on the third Tuesday in August. *Provided nevertheless*, that the day of the week on which any of the said courts are respectively to be holden as aforesaid, may, in all judicial proceedings, from time to time, be designated and expressed, by such day of the week in the month, as will be the day on which any court is to be holden, pursuant to the foregoing arrangements.

Provided.

SECT. 3. *Be it further enacted*, That all complaints, warrants, venire, summonses, capias attachment, of what name or nature soever, and all matters and things, after this act shall be in force, be returned to, entered at the several Courts of General Sessions of the Peace, at the times and places heretofore by law appointed; and all parties and persons that may be required or directed to appear and attend, after that time, at the aforesaid times and places; and all processes, matters, suits, or complaints, that may be pending in any of said courts, at the time when this act shall take place and be in force, shall be returned to, entered, appear and attend, have day, be tried and determined, in the said Courts of General Sessions of the Peace, at the respective times and places fixed and established for holding the said courts, according to the true intent and meaning thereof.

Parties to appear.

SECT. 4. *Be it further enacted*, That this act shall be in force from and after the first day of September next.

Limitation.

[This act passed June 20, 1807.]

CHAP. XXII.

An act in addition to an act, entitled “An act to incorporate the Trustees of Phillips Academy, in Andover.”

Preamble.

WHEREAS, the trustees of Phillips Academy have petitioned this court for liberty to receive and hold donations of charitably disposed persons, for the purpose of a theological institution, and in furtherance of the designs of

of the pious founders and benefactors of said academy. And whereas it is reasonable that the prayer should be granted :

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said trustees of Phillips Academy, be, and they are hereby empowered, to receive, purchase and hold, for the purposes aforesaid, real and personal estate, the annual income whereof shall not exceed five thousand dollars, in addition to what they are now allowed by law to hold, provided, the income of the said real and personal estate, be always applied to said objects, agreeably to the will of the donors, if consistent with the original design of the founders of the said academy.

Property vested.

[This act passed June 20, 1807.]

CHAP. XXIII.

An act to regulate the Alewife fishery in the town of Bristol, in the county of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful for the town of Bristol, in the county of Lincoln, annually, at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking the fish called Alewives, in any river or place within the limits of said town, not exceeding three days in each week, under such regulations as the said town shall direct ; and the emolument arising from said privilege shall be appropriated by said town to such purposes and use as the inhabitants thereof shall in town meeting from time to time determine.*

Privilege granted.

SECT. 2. *And be it further enacted, That if the purchaser or purchasers, manager or managers of the said privilege, or those employed by them, shall presume to take any of the said fish at any other time or place in said town, than shall be determined by said town ; and if any other person whatever shall presume to take or catch any of said fish in any river or stream within the boundaries of said town, without permission from the inhabitants thereof in legal town meeting ; he or they so offending, shall for each offence, forfeit and pay a sum not exceeding thirteen dollars,*

Penalty.

lars, nor less than one dollar, at the discretion of the justice before whom the offence shall be tried.

SECT. 3. *And be it further enacted,* That the said town of Bristol shall, at their annual meeting in March or April, choose a committee, not exceeding seven, nor less than three freeholders of said town, who shall be sworn or affirm to the faithful discharge of the duties enjoined upon them by this act; and it shall be the duty of the said committee to cause the natural course of the rivers or streams, through which the said fish shall pass, to be kept open and without obstruction during the whole time the said fish pass up and down said rivers or streams in each year, and remove any such obstruction as shall be found therein; and the said committee, or a majority of them, in the discharge of their duty, shall be permitted at all times, to go upon and pass over the lands of any person through or by which said rivers or streams run, without being considered as trespassers, and any person who shall hinder or molest the said committee in the business of his or their office, or shall obstruct any passage way in any of the said rivers or streams otherwise than may be permitted by said committee, or a majority of them, he or they so offending, shall forfeit and pay for every such offence, a sum not exceeding thirteen dollars, nor less than one dollar, at the discretion of the justice before whom the same shall be tried: *Provided nevertheless,* that nothing in this act shall be considered as authorizing the said committee to injure the proprietor of any lands, mills, or water works, further than is necessary to give the said fish a good and sufficient passage up and down the rivers and streams aforesaid.

SECT. 4. *And be it further enacted,* That it shall be the duty of the fish committee appointed by said town, to prosecute for all breaches of this act, and for any one of them to seize and detain in their custody, any net which may be found in the hands of any person using the same contrary to the true intent and meaning of this act, until the person so offending makes satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of said town all such fish as they shall have taken contrary to the provisions of this act.

SECT. 5. *And be it further enacted,* That all the penalties incurred by any breach of this act shall be recovered by an action on the case, or by an action of debt, before any justice of the peace within and for the county of Lincoln, allowing an appeal to the next Court of Common Pleas to

be

Committee appointed.

Their privileges.

Provision.

Penalties.

How appropriated.

be holden in and for said county ; and all sums of money recovered in consequence of any breach of this act, shall be to the use of said town, and no person by reason of his being one of said committee, or an inhabitant of said town, shall be thereby disqualified from being a witness in any prosecution or suit for the breach of this act.

[This act passed June 20, 1807.]

CHAP. XXIV.

An act to establish the Sturbridge and Western Turnpike Corporation.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abijah Brown, Samuel Blair, Joseph Field, Daniel Hodges, Jedediah Marcy, Edward Morris, Daniel Morse, Timothy Newell, Oliver Plimpton, Gershom Plimpton, jun. Harvey Sessions, Alpheus Wright, David Wright, jun. and Thomas Upham, together with such others as already have, or may hereafter associate with them, their successors, or assigns, be, and they are hereby made a corporation, by the name of the Sturbridge and Western Turnpike Corporation, for the purpose of laying out, making, and keeping in good repair a turnpike road, from the line of the State of Connecticut, in the best direction through a corner of Dudley to Sturbridge, by the meeting house of the Poll Parish, standing near the dwelling house of the late Colonel Benjamin Freeman, thence to, or near the Baptist meeting house in Sturbridge, thence to the centre meeting house in Sturbridge, and from thence, so as to meet, and connect with the turnpike road in Western.

Persons incorporated.

SECT. 2. *And be it further enacted,* That Salem Towne, Abner Brown, and Benjamin Drury, Esquires, be, and they are hereby appointed a committee to locate the said road, and to fix and mark the same, in the course before described, at their discretion. And in case there should be any obstructions from buildings or other causes, which may prevent a straight line, the said committee shall in such case, have power so to vary the line as to avoid such obstructions, provided that the said road shall not be less than three rods wide in any part thereof. And the said committee are hereby empowered to assess such damages, as any individual may sustain, by reason of laying out and making said road,

Committee appointed.

—Empowered.

road, when the corporation and such individual cannot agree, reserving to either party the right of trial by jury, according to the law, which provides for the recovery of damages, accruing by laying out of public highways; and when the said committee have completed their business, they shall make return to the next Courts of General Sessions of the Peace, to be holden in the counties of Worcester and Hampshire, of the courses and distances, and the damages assessed in each county; which shall have the same effect, as though the same had been done by the committee appointed by said courts, for the same purposes; and that the expense of the said committee shall be paid by the said corporation.

[This act passed June 20, 1807.]

CHAP. XXV.

An act to set off Jonas Bartlett and Jonas Bartlett, jun. from the town of Marlboro', and to annex them to the town of Northboro'.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonas Bartlett, and Jonas Bartlett, jun. with their families and estates, be, and they are hereby set off from the town of Marlboro', in the county of Middlesex, and annexed to the town of Northboro', in the county of Worcester, by the following described lines, viz. Beginning at a stake on the line between the said towns of Marlboro' and Northboro', at the northwest corner of the meadows belonging to Colonel Luke Drury, thence east forty-one degrees north, forty-two and an half rods to the northeast corner of said meadow, thence north six degrees east, one hundred and eleven rods, to a stake and stones on the southerly side of a town way, thence west, five degrees north, nine rods, thence west, thirty-four degrees north, thirty rods, thence west, twenty-six degrees north, sixty-three rods, thence west, thirty-five degrees north, twenty-eight rods, thence west, forty-three degrees north, ninety rods, to a heap of stones, thence west, thirty degrees north, twenty-seven rods, to a stake and stones, on the east line of the town of Northboro'. And the said families and estates, hereby annexed to the said town of Northboro', shall hereafter be considered inhabitants of the said town,

and

—To make re-
turn.

Persons set off

and shall there exercise and enjoy all their civil rights and privileges, and shall also be subject to all their civil duties and requisitions, in like manner with the other inhabitants of the said town. *Provided however*, that the said Jonas Bartlett and Jonas Bartlett, jun. shall be holden to pay their due proportion of all money granted, or which may be granted by the said town of Marlboro', prior to the passing of this act.

Provided also, that any person having heretofore gained a habitancy on the said land, and who may hereafter become a town charge, shall receive their support in and from the said town of Northboro'. *And it is further provided*, that the said inhabitants with their lands hereby annexed to the said town of Northboro', shall hereafter be considered as belonging to the county of Worcester, and the line hereinbefore described shall be, so far as relates to this act, the boundary line between the counties of Middlesex and Worcester.

SECT. 2. *And be it further enacted*, That there shall be taken two cents from the town of Marlboro', in the State valuation, and added to the town of Northboro', which shall be the rule for assessing the said towns for state and county taxes, until there shall be a new state valuation taken.

[This act passed June 20, 1807.]

CHAP. XXVI.

An act in addition to an act, entitled "An act incorporating certain persons in the towns of Lenox, Lee, Stockbridge and Pittsfield, in the county of Berkshire, by the name of the Protestant Episcopal Society of Lenox," and to annex certain other persons thereto.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Abby, John Atkins, Ichabod Benton, Jeremiah Buck, Samuel Cooper, John Dove, Benjamin Hamilton, Hezekiah Hays, Joseph Holland, John Lunley, Amos Mansfield, Joseph Randall, David Savage, Allen Smith, Pryphena Stone, and William Wells, all of Stockbridge; Salmon Andrews, Abel Avery, Daniel Butler, Jethro Butler, jun. Daniel Collins, Stephen Cruttenden, Samuel Palley, jun. Samuel Gray, Edward Hatch, David Hubby,

by, Moses Merwin, Calvin Perry, Daniel Polley, Joseph Presby, Calvin Sears, Afahel Sprague, Oliver Stedman, Henry Taylor, Joseph Tucker, Ira Warrener, Warren Warrener, John Whitlock and Daniel Williams, jun. all of Lenox; and Hannah Hubby, of Pittsfield, together with their families and estates, be, and they are hereby annexed to the Protestant Episcopal Society of Lenox, for parochial purposes only. And the several persons before named, shall hereafter be exempted from taxes for the support of the minister, in the several towns where they now dwell, so long as they continue members of the said Episcopal society. And the said several persons hereby annexed to the said society shall, with the other members, be equally entitled to all the privileges, and shall also be subject to all the duties and burthens of the said society, and shall in all respects be considered as members of said Episcopal society, in as full and ample a manner, as if they had been originally incorporated therewith.

Conditions of joining the society.

SECT. 2. *Be it further enacted*, That any person, in either of the towns aforesaid, who may desire to join said Episcopal society, and shall declare such intention in writing, to be delivered to the clerk of the town, where he or she may reside, and also a copy of the same, to the clerk of the society, with which such person has been connected, before the first day of March, and shall produce a certificate, signed by the minister or wardens of said Episcopal society, that such person has united with said society, such person shall, from and after the date of such certificate, be considered with his or her polls and estate, a member of said Episcopal society.

In case of leaving and joining another.

SECT. 3. *And be it further enacted*, That when any member of the said Episcopal society shall see cause to leave the same, and to unite with any other religious society in the town where he or she may dwell, shall give notice of such intention in writing to the clerk of the town, and copies of the same to the clerk of the said Episcopal society, and to the clerk of the society with which such person desires to join, and shall produce a certificate, signed by the minister or clerk of such society, that such person has united with the said society, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of said society: *provided however*, that in all such cases as may happen under the provisions of the second and third sections of this act, any and every person leaving a society, and uniting with another, such person shall always be holden

Howiso.

holden to pay his or her proportion of all parish or society expences in the society, with which such person had been formerly connected, assessed and not paid, previous to leaving one society and joining to another as aforesaid.

[This act passed June 20, 1807.]

CHAP. XXVII.

An act to incorporate the township number Five, in the third range of townships north of the Waldo Patent, in the county of Kennebeck, into a town by the name of Palmyra.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the township numbered Five, in the third range of townships lying north of the Waldo Patent, and between the east and west branches of Sabestekook river, as described within the following boundaries, be, and hereby is incorporated into a town by the name of Palmyra, viz:—
 Bounded easterly by township number Four in the same range, northerly by township number Five in the fourth range, north of the Waldo Patent, in part, and partly by township number Three in the first range of townships north of the Plymouth claim, westerly by the township last mentioned in part, and partly by the Plymouth claim, and southerly by the Plymouth claim in part, and partly by township number Five in the second range north of the Waldo Patent. And the said town of Palmyra is hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of the other towns, according to the constitution and laws of this Commonwealth.

Town incor-
porated.

SECT. 2. *And be it further enacted,* That either of the Justices of the Peace, for the county of Kennebeck, is hereby authorized to issue his warrant, directed to an inhabitant of the said town of Palmyra, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose, at their annual town meetings.

Justice to issue
warrant.

[This act passed June 20, 1807.]

CHAP. XXVIII.

An act to annex an unincorporated tract of land, called the "Mile and a half Strip," to the town of Cornville, in the county of Kennebeck.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a certain tract of land lying between the towns of Cornville and Canaan, called the Mile and a half Strip, and bounded as follows, to wit:—Beginning at a stake, on the present south west corner of said Cornville, and on the northerly line of the Plymouth patent; thence southerly on the easterly line of Madison, to the north line of Canaan; thence easterly on the said north line of Canaan, six miles, to a stake and stones; thence northerly to the present southeast corner of said Cornville; and thence westerly to the first mentioned bounds, with the inhabitants thereon, be, and hereby are annexed to, and made a part of the town of Cornville aforesaid.

Tract of land
annexed to
Cornville.

[This act passed *June 20, 1807.*]

CHAP. XXIX.

An act to allow a further time to the proprietors of the Sheffield and Tyringham Turnpike Corporation to complete their road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a further time of two years, from the twenty third day of June, one thousand eight hundred and seven, be, and hereby is allowed to the said proprietors to complete the said Sheffield and Tyringham Turnpike road, any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed *June 20, 1807.*]

CHAP. XXX.

An act to set off Benjamin Killeran, from the town of Warren, and to annex him to the town of Cushing.

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

the same, That Benjamin Killeran, of Warren, in the county of Lincoln, with his family and estate, be, and he is hereby set off from the said town of Warren, and annexed to, and shall in future be considered an inhabitant of the town of Cushing, in the same county of Lincoln.

Provided nevertheless, That the said Benjamin Killeran shall be holden to pay all taxes already assessed upon him and his said estate in the town of Warren aforesaid. Provided

[This act passed *June 20, 1807.*]

CHAP. XXXI.

An act to incorporate fundry persons into a company, by the name of the Proprietors of the Exchange Coffee-House.

WHEREAS, fundry persons, proprietors of an estate situate in Boston, (bounded northerly partly on a court, and partly on land of Andrew Dexter, jun. there measuring ninety-six feet, easterly on Congress-street, there measuring eighty-seven feet; southerly, partly on land of the heirs of Richard Salter, and partly on the estate of Driscoll and Wall, there measuring one hundred and thirty-four feet; and westerly on other estate of said Dexter, there measuring one hundred and eleven feet,) have associated, for the purpose of erecting on said estate, a building on an extensive plan, containing an Exchange, a Coffee-House, and different apartments for other uses, which will be conducive to public accommodation:— Preamble

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Brown, Crowell Hatch and Andrew Dexter, jun. Esquires, with such others as are or may become proprietors of the said estate, their associates, successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politic and corporate, by the name of The Proprietors of the Exchange Coffee-House, for the purposes aforesaid, and the said corporation, by the said name, are hereby declared and made capable, in law to sue and be sued, plead and be impleaded, to have a common seal, and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of said estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic. Persons incor-
porated.

—legally au-
thorized.

—may hold and
dispose of the
property.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said corporation shall be, and hereby is declared capable to purchase, have, hold, and possess the estate aforesaid, and shall have power to erect a building thereon for the purposes aforesaid, and the said corporate property or any part thereof, to grant, sell and alien in fee simple, or otherwise, and to lease, exchange, manage and improve the same, according to the will and pleasure of the said associates, or a major part of them, expressed by their votes, at any legal meeting.

Property to be
divided into
shares.

Assessments

Proviso.

SECT. 3. *Be it further enacted,* That the said associates may at any legal meeting agree upon the number of shares, into which the said estate shall be divided, not exceeding five hundred, and upon the form of certificates to be given to individuals, of the number of shares by them respectively held; they shall also have power to assess upon each share such sums of money as may be deemed necessary, for the purposes aforesaid, and generally for the improvement and good management of said estate, agreeable to the true intent of this act, and to sell and dispose of the said shares for the payment of assessments, in such way and manner as said corporation may determine; *Provided however,* that the value of the land and building to be erected thereon shall not exceed two hundred thousand dollars.

Shares may be
alienated.

SECT. 4. *Be it further enacted,* That any share may be alienated, by the proprietor thereof, by a deed under his hand and seal, and acknowledged before some Justice of the Peace, and recorded by the clerk in a book to be kept for that purpose, and not in any other manner, and any purchaser shewing to the treasurer such deed so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form as aforesaid, certifying the property in such share to be in such purchaser.

Private property
liable to attachment.

SECT. 5. *Be it further enacted,* That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachments and to the payment of his just debts, in manner prescribed by an act, entitled, "An act directing the mode of attaching on mesne process, and selling by execution shares of debtors in incorporated companies;" passed March 8th, Anno Domini 1805.

Real estate liable.

SECT. 6. *Be it further enacted,* That the real estate of said corporation shall be liable for the debts of the corporation, and shall be liable to attachment and execution, on any judgment against the corporation, in the same manner

as other real estate, and the corporation shall have the right and equity of redeeming the same. —subject to redemption.

SECT. 7. *Be it further enacted,* That in any action to be brought, or in any judgment to be rendered, against said corporation, the plaintiff not being able to find sufficient property of the corporation, to attach on mesne process, or whereon to levy his execution, shall have the right of attaching or levying his execution, on any of the property of the individual members of the corporation, in the same manner as if the action had been brought, and the judgment rendered against them, in their individual capacity. Execution levied, in case.

SECT. 8. *Be it further enacted,* That any two of the associates may call a meeting, by advertising the same, in any two of the public newspapers printed in Boston, at least, three days before the time of meeting, and at that or any other meeting, may elect such President, Trustees, Directors, Secretary, Clerk or other Officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove, and in the choice of officers, or on any other occasion, when it shall be required by a major part of the members present, at any meeting the votes may be given by shares, and absent members may vote by proxy; *Provided only,* that no one member shall have more than ten votes. Manner of calling a meeting

SECT. 9. *And be it further enacted,* That nothing herein contained, shall be deemed or construed to give said proprietors any right or authority to take or appropriate to their use, the land, right or privilege of any person or persons, without his or their consent, and by a legal conveyance thereof from such person or persons to the said corporation. Provided

[This act passed June 20, 1807.]

CHAP. XXXII.

An act for incorporating Robert H. Gardiner and others, by the name and style of the Cobboffee-Contee Canal Association. *Cobboffee Contee*

WHEREAS, Robert H. Gardiner and others, have petitioned to be incorporated for the purpose of opening and maintaining a canal, with locks or inclined planes, from Androscoggin Pond to Wilson's Pond; thence by or on Wilson's Stream to South Pond; thence by Arnold's Mills Preamble

Mills to Winthrop or Cobbossee-Contee great Pond; and thence through Litchfield to the navigable waters of Cobbossee-Contee river; and thence on or by said river to Kennebeck river, in the most convenient and practicable routes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Robert H. Gardiner, Joseph Bradstreet, Simon Bradstreet, Nathan Bridge, Ebenezer Byram, Seth Gay, Rufus Gay, Stephen Jewett, Samuel Jewett, Peter Grant, James Parker, John Stone, Melatiah Lawrance, Joshua Lord, Ichabod Wentworth, William G. Warren, James Bridge; Jacob Smith, David Foster, Hushai Thomas, Joseph Samson, Job Fuller, Moses Wing, John Bowies, Thomas Stenchfield, Rogers Stenchfield, Samuel Livermore, Benjamin Alden, Daniel Lathrop, jun. Joseph Chandler, Simon Dearborn, jun. Abraham Morrell, Joseph P. Chandler, Matthew Hayward and William Richards, with their associates and successors, are hereby incorporated, and shall be a corporation forever, under the name of the Cobbossee-Contee Canal Association, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and shall be, and are hereby vested with all the powers and privileges, which are by law incident to corporations of a similar nature.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the said associates or proprietors, or any three of them, may make their application to any Justice of the Peace for the county of Kennebeck, requesting him to call a meeting of the said associates or proprietors, to be holden at some convenient place within the town of Gardiner, in the same county; whereupon such Justice is hereby empowered to issue his warrant to one of said proprietors, directing him to warn and notify said proprietors to meet at such time and place in said town of Gardiner, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said proprietors for the future; and to do and transact such matters and things relating to said proprietary, as shall be expressed in the warrant. And the proprietor to whom such warrant shall be directed, shall give notice to said associates or proprietors, by causing the same, or the substance thereof, to be published in one of the newspapers printed in Portland, fourteen days, at least, before the holding of said meeting, and make return thereof under his hand to the same meeting, to be lodged with the clerk, who shall be then and there chosen. And the said

Persons incor-
porated.

Manner of call-
ing first meet-
ing.

faid proprietors or associates may at the same or any other legal meeting, choose a clerk, treasurer, and other officer or officers of the corporation, that they may deem necessary, and also may choose such committees as may be requisite for ordering and regulating the business and affairs of the said corporation; and every proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation; provided no one proprietor shall be allowed more than ten votes, and all representations shall be proved in writing signed by the person making the same by special appointment, which shall be filed with and recorded by the clerk; and this act, and all rules, regulations and votes of the said corporation shall be fairly and truly recorded by the said clerk, in a book or books for that purpose to be provided and kept: *Provided*, that whereas it may be necessary in the prosecution of the foregoing business, that the property of private persons may, as in the case of highways, be appropriated for the public use. And in order that no person may be damaged by the digging and cutting canals through his land, by removing mills or mill dams, diverting watercourses or flowing his land by the proprietors aforesaid, without receiving full and adequate compensation therefor;

Authorized to
choose officers.

—qualifications
of voters.

Proviso.

SECT. 3. *Be it further enacted, by the authority aforesaid,* That in all cases where any person shall be damaged in his property by the said proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, and the proprietors aforesaid do not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace, for the county in which the damage shall have been sustained, to have a committee appointed by said court, to estimate the damage so done; and the said court are hereby authorized and empowered, by warrant under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a committee of five disinterested freeholders in the same county, to estimate the damages; which committee shall give seasonable notice to the persons interested, and to the clerk of the proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to perform said service impartially, according to their best skill and judgment, which having done,

Measures to be
pursued in case
of damage sus-
tained.

done, they, or the major part of them, shall make return thereof under their hands and seals, to the next Court of General Sessions of the Peace, to be holden in said county, after the same service is performed; to the end that the same may be accepted, allowed and recorded; and the committee so empowered are required to estimate the said damage, and make return thereof as aforesaid; and if the estimate of the committee be accepted by the court, the clerk of the court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the corporation, or in want thereof on the property of any individual belonging thereto, for the sum so adjudged in damages: *Provided* the same is not paid within twenty days after the acceptance of said report, and likewise for the costs of the said committee and fees of the court; both to be allowed by the court, provided the sum in damages estimated by the committee, exceed the sum of damages so tendered; but in case the proprietors actually tendered to the person complaining before the complaint was exhibited, a sum as great as that allowed by the court in damages, then nothing to be included in the execution for costs of committee or court; the execution to be issued by the clerk of the court, to be in the same terms, mutatis mutandis, and returnable in the same time as though judgment had been rendered against said corporation for a like sum in damages, on process in the Courts of Common Pleas; and if any person find himself aggrieved by the doings of the said committee in estimating damages, he may apply to said Court of General Sessions of the Peace; provided such application be made to the same court at the next session thereof, in the same county, after the acceptance of such return, and said court is empowered to hear and finally determine the same, by a jury under oath, to be summoned by the sheriff or his deputy for that purpose, if the person complaining, and the proprietors can agree thereon. And if the jury or committee agreed on as aforesaid, (who are to be under oath) shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said court; otherwise such cost and increase of damages shall be paid by the proprietors, and execution to issue therefor as aforesaid; and it shall be the duty of such committee or jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where and how many bridges shall be made, and maintained by said proprietors

Proviso.

proprietors, over the canal aforesaid, and how the same shall be constructed, and what damages shall be paid by the proprietors for neglecting to make and maintain such bridges; and the report of such committee, or verdict of such jury, being returned in to the same court, and being allowed and recorded, shall be a sufficient bar against any action brought for damages aforesaid; saving only, that where the sum of damages is not estimated at a sum in gross, for the full satisfaction thereof, but a yearly sum is assessed; in such case the complainant shall be entitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered, as aforesaid; and also for the recovery of the damages for neglecting to make and maintain the bridges as often as the same are demandable; *Provided also*, that said corporation shall not take any water from Wilson's Pond, to the injury of the owner or owners of mills, situated on Wilson's stream, so called, nor erect any mills on said stream, nor on the land between Wilson's Pond and South Pond, which is owned by any person or persons, who shall have mills erected on said Wilson's stream; and that said corporation shall not erect mills on any stream now the property of individuals, or shall make sluice-ways round any dam now erected, without the consent of said owner or owners first had and obtained, any thing in this act to the contrary notwithstanding. *And, provided likewise*, that the owner of the lower mills on Cobboffee-Contee river may have the right to regulate the water passing in and out of that branch of the said canal, which shall be made between Cobboffee-Contee great pond and Cobboffee-Contee river; in case said regulation shall be made without injury to the said canal, or the rights or privileges of any individuals.

Provided.

Provided.

SECT. 4. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, beat down, dig under, or do any other injury to the said canal, its banks, locks, dams, or any part or appurtenances thereof, designed for the purposes aforesaid, or shall damage, carry away, or set afloat to be carried away, any boards, plank, joist, or other timber or lumber, or materials used or to be used, in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence, forfeit and pay to the proprietors aforesaid, treble such damages, as the said proprietors shall, to the Justice, or Court and Jury, before whom the trial shall be, make appear that they have sustained, by

Penalty in case of trespass.

means

means of the same trespasses, to be sued for and recovered in any Court proper to try the same.

Toll established

SECT. 5. *Be it further enacted*, That for the purpose of reimbursing the proprietors the money by them expended, or to be expended, in building and supporting the canal, locks, and dams, and clearing the passages necessary for the purposes aforesaid, a toll be and hereby is granted and established, for the sole benefit of the said proprietors, according to the rates following, viz. For every ton weight that shall be transported in boats or other vessels, through the said canal, the sum of six cents for each mile; for all masts, timber, and lumber, floated on a raft or otherwise through the said canal, the sum of six cents a ton for each mile.

Rates of

Toll gatherers.

SECT. 6. *Be it further enacted*, That there shall be toll gatherers and other necessary assistants, to attend at each lock on the said canal, in the day time, and on the same canal at suitable places, who shall give constant attendance at their respective stations, during the whole of the season, for boats and rafts to pass; and on the toll being paid shall immediately permit passengers with their property, to pass the said locks and canal. And the said toll shall commence on said canal, as soon as the same, or any part thereof shall be completed: *Provided however*, that when forty years from the first opening thereof are expired, the Legislature shall from thence-forward regulate the toll, and the same shall be collected in such manner, as shall be prescribed to the said corporation.

Proviso.

Proprietors empowered to hold real estate.

SECT. 7. *Be it further enacted*, That the proprietors aforesaid be, and they are hereby authorized and empowered to purchase and hold to them and their successors forever, so much land and real estate as may be necessary for the purposes aforesaid, not exceeding the value of fifty thousand dollars. And if the said proprietors shall refuse or neglect, for the term of ten years, from the passing of this act, to build and complete such canal so as to be passable in manner aforesaid, then this act shall be void and of no effect.

Delinquents.

SECT. 8. *And be it further enacted*, That the said corporation shall have full power and authority to sell and dispose of the share or shares of any proprietor who shall, according to the rules and regulations to be made by said corporation, be delinquent in the payment of any assessment that may be made on said share or shares, according to such rules and regulations as shall be established by said corporation

tion for the sale of shares of delinquents; and also, that the shares and property of each proprietor in said corporation shall be liable to attachment for the payment of his just debts; and execution may be extended thereon, and the share of the debtor be sold in the same manner as goods and merchandize are sold for the payment of debts.

[This act passed *June 20, 1807.*]

CHAP. XXXIII.

An act to incorporate Peter Snow and others, by the name of the Fitchburg Cotton Manufactory Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Peter Snow, and Jonas Marshall, John Muzzy, Edward Durant, William Brown, Joseph Farwell, and Robert Allen, their associates, successors, and assigns, shall be, and they hereby are created a corporation and body politic by the name and style of "The Fitchburg Cotton Manufactory Corporation," and by that name may sue or be sued, plead and be impleaded, answer and be answered unto, defend and be defended, to final judgment and execution, and also may make, have and use a common seal, and the same at pleasure may break, alter and renew.

Persons incorporated.

SECT. 2. *And be it further enacted,* That the said corporation shall have power, and is hereby authorized, to carry on the manufacture of Cotton at Fitchburg, and the business necessarily connected therewith, and may erect any dam, mill or mills, works or buildings necessary for carrying on, this or any other useful manufacture, and the business connected therewith.

Authorized to manufacture Cotton.

SECT. 3. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on said manufactory, and any other useful manufacture, and the business therewith connected, and the same may sell, bargain, and dispose of at pleasure; *Provided,* that such real estate shall not exceed in value the sum of fifty thousand dollars, and such personal estate shall not exceed in value the sum of one hundred thousand dollars.

Allowed to possess real and personal estate.

Provido.

SECT. 4. *And be it further enacted,* That the persons above named, or any three of them, may by an advertisement

Empowered to call a meeting.

ment in any public newspaper printed in the county of Worcester, call a meeting of said corporation, to be holden in Fitchburg, at any suitable time and place, after twenty days from the publication of said advertisement; and the members of said corporation, by the vote of the majority of those present, or represented at the said meeting (in all cases accounting and allowing a vote to each single share) shall choose a clerk, who shall be sworn by a Justice of the Peace for the county of Worcester, to the faithful performance of his duty; a treasurer and such other officers as may appear necessary for the management of the business and concerns of said corporation, and shall agree on the manner of calling future meetings, and at the same or at any subsequent meeting, may make and establish any rules and regulations for regulating the said corporation, and the same rules and regulations may cause to be kept and executed, or for the breach thereof, may order and enjoin fines and penalties not exceeding *thirteen dollars and thirty-three cents*, for any breach thereof, *provided*, such rules and regulations are not repugnant to the laws and constitution of this Commonwealth, and all agents of proxies at any meeting, shall be authorized in writing, signed by the persons by whom they are appointed, which shall be filed and recorded by the clerk; provided that no member of said corporation shall be allowed more than eight votes.

SECT. 5. *And be it further enacted*, That the property of said corporation shall be, and hereby is divided into one hundred shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof, shall have a certificate under the seal of said corporation, and signed by the treasurer, certifying his property in such share, as shall be expressed in said certificate.

SECT. 6. *And be it further enacted*, That any share may be alienated by the proprietor thereof, his executors and administrators, by a deed under the hand and seal of him or them, acknowledged before some Justice of the Peace, and recorded by the clerk, in a book to be kept for that purpose, and any purchaser named in such deed so recorded, shall on producing the same to the treasurer, and delivering up to him the former certificate, be entitled to a new certificate, executed in form aforesaid, certifying the property in such share to be in such purchaser.

SECT. 7. *And be it further enacted*, That whenever any member of said corporation shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said

To choose officers.

Proviso.

Property to be divided into shares.

Shares may be alienated.

Delinquents.

said corporation, to the treasurer, within thirty days after the time set for the payment thereof, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes and necessary incidental charges, after duly notifying in one or more public newspapers, printed in the county of Worcester, and in such other way as the corporation may direct, the sum due on such share, and the time and place of sale, at least, thirty days previous to the time of sale; and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same; and on producing a certificate of such sale from the treasurer to the clerk of said corporation, the name of such purchaser, with the number of shares sold, shall be by the clerk entered on the books of said corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus, if any there be, shall be paid on demand, by the treasurer to the person whose share or shares were sold.

SECT. 8. *And be it further enacted,* That when execution shall issue on any judgment recovered against said corporation, and the same shall be returned "not satisfied," the original plaintiff in the action wherein the said execution was awarded and issued, may sue out a writ of *scire facias*; from the court wherein the judgment was rendered, on which the same execution was awarded and issued against such person or persons, as are or were proprietors and members of said corporation, at the time such judgment was rendered, and may have execution against their goods and estates, or against the goods and estates of any such deceased member of said corporation, in the hands of his or their executors or administrators, with additional costs and damages.

Writ of scire facias sued in case.

SECT. 9. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and as such may be declared upon and given in evidence in any Court of Law, without specially pleading the same; *Provided always,* that the Legislature may from time to time hereafter upon due notice to said corporation, make such further provisions and regulations, for the management of the business of said corporation and the government thereof, or wholly to repeal this act, as shall be deemed expedient.

Act given in evidence.

Provide,

[This act passed June 20, 1807.]

CHAP. XXXIV.

An act to regulate the fishery in Damariscotta river, in the County of Lincoln.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful, for the towns of Newcastle and Nobleborough, in the county of Lincoln, at their annual town meetings, in the month of April, to choose and appoint a committee of three persons in each town, whose duty it shall be as a joint committee, to open, and cause to be kept open, a sluice or passage-way, for the alewives and other fish, to pass up Damariscotta river, on what is now called new river stream, to the great pond at the head thereof, called Damariscotta pond. And the said sluice-way shall be under such regulations as the aforesaid joint committee shall judge most conducive to the benefit of the towns aforesaid.

Committee appointed.

SECT. 2. *Be it further enacted*, That the emolument arising from the privilege of catching fish in the aforesaid new river stream and said fish-way, shall be equally divided between the towns aforesaid, and be appropriated to the benefit of the said towns, as they may respectively judge most proper; and all expenses arising from the regulation of said fish-way, and keeping the same in repair, shall be sustained and paid in equal proportions by the towns aforesaid.

Benefits and expenses to be divided.

SECT. 3. *Be it further enacted*, That it shall be the duty of the joint committee aforesaid, to open said sluice or passage-way, by the 5th day of May annually, and keep the same open and clear from all obstructions, until the fifth day of July next following; and the said joint committee is hereby empowered to determine the number of days, and the particular days, not exceeding three in each week, for taking or catching fish in said stream and fish-way; *provided* their determination does not infringe on any existing laws of the State; and the said joint committee is further empowered to sell and dispose of the privilege of catching fish in said stream and fish-way, as they may judge most beneficial to the interests of their respective towns. And the price of the fish caught in the said stream or fish-way, shall be established by the joint committee aforesaid, annually. *Provided however*, that the price of the said fish shall not be raised after the tenth day of May in each year.

Time for catching fish.

Proviso.

SECT. 4. *Be it further enacted,* That the committee of the town of Newcastle for the first year, and the committee of the town of Nobleborough for the second year (and so on in rotation forever) shall notify the town clerk of the other towns, of the time and place at which the said joint committee shall meet, and said notice shall be served, at least ten days prior to the time of said meeting, at which, and at all subsequent meetings, the majority present shall have the authority of the joint committee; and if either of the towns shall neglect to choose their committee-men, or such committee-men when chosen shall neglect the duty required of them by this act, such town shall forfeit all right to the privilege of said stream and fish-way for the current year.

Committee appointed to notify the town clerk.

SECT. 5. *Be it further enacted,* That if the purchaser or purchasers, the manager or managers of the said privilege, or any person employed by them, or by any of the joint committee, shall presume to take any of the said fish out of said stream or fish-way, or by any means obstruct said passage-way, at any other time, than that allowed by said joint committee, or if any person whatsoever shall presume to take or catch any fish out of said stream or fishway, without the permission of the said committee, he or they so offending, shall for each offence, forfeit and pay a sum not exceeding thirteen dollars, nor less than one dollar, at the discretion of the justice before whom the offence shall be tried, to be recovered by the joint committee in behalf of the said towns.

Penalty.

SECT. 6. *And be it further enacted,* That if any person or persons shall prevent, molest, or retard the said committee from opening and keeping open a sluice-way, as directed in this act, by dams, logs, or any other obstructions, or shall prevent the aforesaid joint committee, or either of them, from doing any thing they may be required to do by this act, such person shall forfeit and pay for each offence, a sum not exceeding thirteen dollars, nor less than one dollar, to be recovered by the said committee, in any court proper to try the same.

SECT. 7. *Be it further enacted,* That the aforesaid joint committee shall dispose of such proportion of the fish caught in said stream, as shall be designated by the selectmen of the said towns annually, to the poor of the said towns gratis, and this reservation and privilege of the said poor, shall be inviolably preserved to them, when the said selectmen annually lease the fishery for the season, and shall always be a condition of the said lease.

Poor to be benefited.

Committee priv-
ileged.

SECT. 8. *Be it further enacted,* That the committee aforesaid, or either of them, or any other person employed by, for, or under them, shall have authority to go on, over, or through any land, or through any mill, or wheresoever it shall be necessary, for the purposes of this act, without being considered as trespassers.

[This act passed June 20, 1807.]

CHAP. XXXV.

An act to incorporate certain persons for building a Bridge over Kennebeck river, above Taconet falls, between the towns of Winflow and Waterville.

Persons incor-
porated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Wall, Nathaniel B. Dingley, Peter T. Vose, Henry Johnson, and Lemuel Paine, together with those who have associated, or may hereafter associate with them for the same purpose, and shall become proprietors, be, and they are hereby authorized to build a bridge over Kennebeck river, about three quarters of a mile above Taconet falls, between the towns of Winflow and Waterville, and for the purpose aforesaid, shall be a body politic, by the name of the Proprietors of Taconet Bridge, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, to keep and use a common seal, and the same to change and renew at their pleasure, and do and suffer all such other acts and things, as like corporate bodies may and ought to do and suffer.

SECT. 2. *Be it further enacted,* That the said bridge shall be erected, placed and extended as follows, to wit: To begin on land now occupied and improved by James Wall, about three quarters of a mile above Taconet falls, on the easterly bank of Kennebeck river, in the town of Winflow, and extend across the same, at right angles with said river.

SECT. 3. *Be it further enacted,* That for reimbursing to the proprietors of the said Taconet bridge, the money expended, and to be expended in building, supporting, and keeping the said bridge in repair, a toll be, and hereby is granted and established for the sole benefit of the said corporation, according to the rates following, viz. For each foot passenger, two cents; for each horse with one rider, ten cents; for each single horse cart, sled, or sleigh, twelve cents.

Toll established.

Rates of toll.

cents and a half; for each wheelbarrow, hand cart, and every other vehicle capable of carrying a like weight, four cents; for each team, including cart, sled, or sleigh, drawn by more than one beast, and not exceeding four beasts, twenty-five cents, and for every additional beast above four, four cents each; for each single horse and chaise, chair or sulky, twenty cents; for each coach, chariot, phaeton, cur-ricule, or other four wheeled carriage, thirty-five cents; neat cattle exclusive of those rode on, or in carriages or teams, four cents each; and for sheep and swine, one cent for each. And in all cases, the same toll shall be paid, for all carriages passing said bridge, whether the same be loaded or not; and to each team, one man and no more shall be allowed as a driver, to pass free from payment of toll; excepting however, all persons, who shall actually be on military duty, shall be permitted, with their baggage, to pass said bridge free of toll: And at all times, when the toll-gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening the said bridge for passengers, and shall continue for and during the term of seventy years from the said day, and be collected as shall be prescribed by the said corporation. And at each end of the said bridge, there shall be erected, and constantly exposed to public view, a sign or board, upon which shall be written the rates of toll, of all the tollable articles, in large or capital letters: *Provided* the said proprietors shall, at all times, keep the said bridge in good and passable repair, and at the end of said term of seventy years, the said bridge shall be delivered over in good repair, to and for the use of this commonwealth.

Continuance.

Sign.

Provide.

SECT. 4. *Be it further enacted*, That any two of the said proprietors may, by advertisement in the Kennebeck Gazette, warn and call a meeting of the aforesaid proprietors, to be holden in Winslow aforesaid, at any suitable time and place, after fourteen days notice from the date of such advertisement; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be entitled to more than ten votes,) shall choose a clerk, who shall be sworn to the faithful discharge of his office; also may at the same, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said corporation, and shall agree on a method of calling future meetings; and at the same, or at any subsequent meeting,

Manner of calling meetings.

ing,

ing, may make and establish such rules and regulations, as shall be deemed convenient or necessary, for effecting, and completing the said bridge, and for regulating the affairs of the said corporation, and for collecting the toll herein granted; and the same rules and regulations may be caused to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding thirteen dollars, *provided* that said rules and regulations be not repugnant to the constitution and laws of this commonwealth.

Proviso.

Time limited.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of seven years from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

[This act passed June 20, 1807.]

CHAP. XXXVI.

An act to incorporate certain proprietors of meadow lands, called Wigwam Pond Meadows, in Dedham, in the County of Norfolk.

Proprietors incorporated.

Boundaries.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the proprietors of certain meadow lands, called Wigwam Pond Meadows, in Dedham, be, and they are hereby incorporated by the name of the Proprietors of the Wigwam Pond Meadows, and by that name may sue and be sued, and do and suffer all such acts and things, as like corporate bodies may and ought to do and suffer. Bounded northwardly on a causeway, leading from the court house in Dedham, to Dwight's bridge, so called; and eastwardly by the upland, as far south as to the land of Joshua Fales, then on the line of said Fales and Ebenezer Farington, until it comes to the upland on the westerly side, thence by a circuitous line, ranging by the upland, till it comes to the pond—thence on the westerly side of the brook running into Charles river, until it comes to the line between the lands of Jonathan Starr and Henry Jones, thence on said line, until it comes to the upland, thence westwardly by the upland, until it comes to the causeway first mentioned, exempting the lands of Deacon Isaac Bullard, included within said bounds.

SECT.

SECT. 2. *Be it further enacted*, That the said proprietors, when legally assembled, shall have power from time to time to appoint a clerk, treasurer, assessors and collectors of taxes, committees, or other necessary officers, who shall severally be sworn to the faithful discharge of their trust; which officers shall have the same power to carry into effect any vote or order of said corporation, as town officers of like description, have by law, to do and perform in their respective offices; and the said corporation shall, at their first meeting, determine on the manner of calling future meetings, and the said corporation, at any legal meeting for that purpose, shall have power to raise monies, for the purpose of clearing out and removing the obstructions, which may at any time be found in the ancient channel of the brook running into Charles river, or for any other purpose which they shall judge necessary and conducive to the draining and improving the said meadow lands; and the said proprietors shall have a right to pass up and down the banks of the said brook, from the causeway to said Wigwam pond, for the purpose of clearing said brook.

Proprietors empowered.

SECT. 3. *And be it further enacted*, That upon the application of any three or more of the said proprietors, to any justice of the peace in the county of Norfolk, the said justice is hereby authorized to issue his warrant, directed to one of the said proprietors, requiring him to notify a meeting at such time and place, and for such purposes as shall be expressed in said warrant; which warrant and notification thereon, shall be posted up at the door of the meeting house of the first parish in Dedham, fourteen days before the time expressed in the warrant for holding such meeting.

Justice to issue his warrant.

[This act passed June 20, 1807.]

CHAP. XXXVII.

An act in addition to an act, entitled "An act to incorporate a number of the inhabitants of the town of Hebron, in the county of Cumberland, into a religious society, by the name and style of the Congregational Society in Hebron."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Stephen Atwood, Edmund Bayley, David Bayley,

Persons annexed

Bayley, Wm. B. Bray, Thomas Bray, Thomas Brown, John Bridgham, jun. John Bridgham, 3d, Daniel Bucknam, Shepard Bucknam, Willard Bridgham, Samuel Bridgham, Edmund Chafe, William Chipman, Isaac Currier, Joshua Crooker, Isaac Crooker, Charles Crooker, Zadock Dean, David Dinsmore, jun. Jonathan Dwinel, Jacob Dwinel, Ebenezer Harlow, George Harlow, James Hill, jun. Robert Hilburn, Samuel Hilburn, Michael Little, James Murdock, Moses Pottle and William Pottle, inhabitants of the town of Minot, in the county of Cumberland, together with their families and estates, and such as shall hereafter associate with them, be, and they are hereby annexed to the Congregational society in Hebron, for parochial privileges only, and to be subject to all the duties, and to receive all the privileges that the members of any parishes are entitled to by the constitution and laws of this commonwealth.

[This act passed June 20, 1807.]

CHAP. XXXVIII.

An act to establish the Alford and West Stockbridge Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Barzillai Brown, John Brown, Samuel Clark, Simeon Deming, James Dreffer, William Dryer, Amos Hamlen, Eli Hatch, Peter Johns, Stephen Johns, Nathan Johnson, Abner Kellog, Peter Perry, Thomas Reed, Abraham Rice, Ephraim Slater, Jonathan Squire, Elisha Stevens, and Nathaniel Young, together with such others as already have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Alford and West Stockbridge Turnpike Corporation, for the purpose of laying out, making, and keeping in good repair, a turnpike road in the county of Berkshire, as follows, viz.—Beginning at the line between the state of Massachusetts and New York, near the dwelling house of Truman Tuttle, in Hillsdale, on said line; thence proceeding on the most favorable route to the house of Peter Johns, in West Stockbridge, thence to or near the house of John Brown, in said W. Stockbridge, thence to or near Clark's mills, so called, in Stockbridge, thence so as to intersect the Housatonic turnpike, at or near

Persons incorporated.

Boundaries.

near

near the burying ground on Stockbridge plain. And for the purpose aforesaid, the proprietors aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, one thousand eight hundred and five.

[This act passed June 20, 1807.]

CHAP. XXXIX.

An act to establish a Corporation by the name of the Dalton and Middlefield Turnpike Corporation.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Christopher Cary, Samuel Church, Thomas Matthews, Elijah Loveland, Levi Loveland, the second, Levi Loveland, Nathan Warner, Thomas Wing, Samuel Wing, David Kidder, Jacob Bow, Gideon Allen, Benjamin Peck, William Sebley, Isaac Minor, Jesse Church, Joseph Wither, jun. Noah Mosely, Mark Adams, Phillip Loveland, Alfred Loveland, Daniel Button, Elias Babcock, Afa Brown, John Morfe, jun. Elijah Wing, Samuel Foot, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Dalton Turnpike Corporation, for the purpose of laying out and making a turnpike road, on the nearest and most convenient route from the turnpike road, leading from Pittsfield to Washington, in the county of Berkshire, near the east line of said Pittsfield, through parts of the towns of Dalton, Hinsdale and Washington, in said county of Berkshire, and so far into the town of Middlefield, in the county of Hampshire, as to intersect the turnpike road leading from Chester to said Hinsdale, at the most convenient point north of the meeting house in said Middlefield, and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

Persons incorporated.

Route and direction.

Toll Gates.

SECT. 2. *Be it further enacted*, That when the said turnpike road shall be approved by the committee to be appointed by the Courts of Common Pleas, in the respective counties through which said road shall pass, then said corporation shall be authorized to erect one full toll gate, in such place on said turnpike road as the aforesaid committees shall jointly direct.

[This act passed June 20, 1807.]

CHAP. XL.

An act to incorporate a number of the inhabitants of the towns of Royalston and Warwick, into a religious society by the name of the Baptist Society in Royalston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lemuel Atherton, Shubael Blanding, Nathan Blifs, Silvanus Blifs, Nathan Bullock, Moulton Bullock, Jacob Briggs, John Chamberlain, Afahel Davis, Benjamin Davis, Joseph Davis, Jonathan Davis, Squier Davis, David Gale, Ezra Goff, Lewis Horton, Abel Jacobs, Isaac Jacobs, John Jacobs, Thomas Jacobs, Simeon Jacobs, jun. Enoch Kelton, Nathan Kelton, Rufus Kelton, James Kelton, James Kelton, jun. Samuel Lefure, Jonathan Matthews, Enos Metcalf, Michael Metcalf, Joseph Metcalf, Peletiah Metcalf; Jabez Pratt, Solomon Peck, 2d, John Stockwell, Elihu Town, Ephraim Town, Rufus Tyler, Jacob White, Elifha White, jun. Buel White, and Jonathan Wilson, with their families and estates, together with such others as have associated, or may hereafter associate with them, and their successors, for the same purpose, and in the manner hereafter provided, be, and they are hereby incorporated into a religious society, by the name of the Baptist Society in Royalston, with all the privileges, rights and immunities to which other parishes are entitled by the Constitution and Laws of this Commonwealth, for religious purposes only.

Persons incorporated.

Conditions of belonging to the society.

SECT. 2. *Be it further enacted*, That any person, in either of the said towns of Royalston and Warwick, aforesaid, who may at any time hereafter desire to join with, and actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the clerk of the town and to the clerk of the parish to which he or she may belong, and produce a certificate, signed

signed by the minister or clerk of the said Baptist Society, that such person has actually become a member of and united in religious worship with the said Baptist Society in Royalston, fifteen days previous to the annual town meeting, such person shall, from and after the date of such certificate, with his or her polls and estate, be considered as belonging to the said Baptist Society: *Provided, however,* that such person shall be held to pay his or her proportion of all money assessed in the Society to which such person formerly belonged.

SECT. 3. *Be it further enacted,* That whenever any member of the said Baptist Society shall see cause to leave the same, and to unite with another religious society, in the town in which he or she may reside, and shall declare such intention in writing, and deliver the same to the minister or clerk of said Baptist Society, and also leave a copy of the same with the clerk of the town in which he or she may reside, and also with the clerk of the parish in said town to which he or she may intend to be united, fifteen days previous to the annual town meeting, and shall pay his or her proportion of all money assessed in said society, previous thereto, such person, with his or her polls and estate, shall from and after the date of such declaration be considered as belonging to the parish to which such person may intend to be united as aforesaid.

—of leaving
the society.

SECT. 4. *And be it further enacted,* That either of the Justices of the Peace for the county of Worcester, be, and is hereby authorized upon application therefor, to issue a warrant, directed to some member of the said Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as he shall appoint in the said warrant, to choose such officers as parishes in this Commonwealth are by law empowered to choose at their annual parish meetings.

Justice to issue
warrant.

[This act passed June 20, 1807.]

CHAP. XLI.

An act in addition to an act, entitled, "An act to incorporate a number of persons in the towns of Edgartown, Chilmark and Tisbury, into a religious society in Tisbury."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the
Jan. 6,

Conditions of
belonging to
the society.

same, That any person belonging to either of the said towns of Edgartown, Chilmark or Tisbury, who may at any time hereafter desire to join with the said Baptist Society in Tisbury, and shall declare such their intention in writing, and deliver the same to the clerk of the town, and a copy of the same to the minister or clerk of the parish in which he or she may reside, on or before the first day of March, in the year when such application shall be made, and at the same time produce a certificate of their being united and having become a member of said society, signed by the minister or clerk, and two of the committee of the said Baptist Society, such person shall, from and after the date of such declaration, with his or her polls and estate be considered a member of said society: *Provided however*, that such person shall be held to pay his or her proportion of all money legally assessed in said parish, to which such person formerly belonged.

Proviso.

—of leaving
the society.

SECT. 2. *Be it further enacted*, That whenever any member of the said Baptist Society shall see cause to leave the same, and to unite in religious worship with any other religious society in the town in which he or she may reside, and shall declare such their intention in writing, and deliver the same to the minister, or clerk and committee of the said Baptist Society, and shall deliver a copy of the same to the clerk of the town, on or before the first day of March, in the year when such person shall apply to be dismissed or discharged from the said Baptist Society, and at the same time shall produce a certificate in writing, signed by the minister or clerk, and two of the committee, certifying that he or she hath actually become a member of said religious society, or hath united in religious worship with said society, in the town where he or she may dwell, such person shall, from and after the date of such declaration, with his or her polls and estate, be considered a member of said society, to which he or she has so united: *Provided however*, that such person shall be held to pay his or her proportion of all money legally assessed by said Baptist Society, while he or she was a member thereof.

[This act passed June 20, 1807.]

CHAP. XLII.

An act to incorporate the Congregational Society in the town of Newfield, in the county of York.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Adams, James Ayer, 2d, Ezekiel Bartlett, Ebenezer Boothby, Silas Burbanks, Joseph Dannels, Zachariah Dannels, Richard Dannels, Henry Dannels, Stephen Dannels, John Gilpatrick, Josiah Hobbs, Joseph More, Ephraim Moulton, Levi Moulton, Stephen Moulton, Simeon Moulton, Eben. Symmes, Wm. Symmes, David Staple, Benj. Thompson, John Thompson, Geo. Thompson and Joseph Whitehouse, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated into a religious society, by the name of The Congregational Society in Newfield, in the county of York, with all the powers and privileges to which parishes are entitled by the constitution and laws of this Commonwealth.

Proprietors incorporated.

SECT. 2. *Be it further enacted,* That any person in the said town of Newfield, who may desire to join the said Congregational Society, and declare such intention in writing given to the clerk of the said society, and also a copy of the same being delivered to the clerk of the town, on or before the first day of March, of the year in which such application shall be made, and shall receive a certificate, signed by the minister or clerk of the said society, that he or she has actually become a member of, and united in religious worship with the said society in Newfield, such person shall, from the date of such certificate, be considered with his or her polls and estates, as members of said society.

Conditions of joining the society.

SECT. 3. *Be it further enacted,* That when any member of the said Congregational society in Newfield shall see cause to leave the same, and to unite in religious worship with any other religious society in the said town, and shall give notice of such intention in writing, delivered to the clerk of the said society, and shall also deliver a copy of the same to the clerk of the town, and produce a certificate signed by the minister or clerk of such other society, that he or she has actually become a member of, and united in religious worship with such other society, such person, from the date of such certificate, with his or her polls and estate, shall be considered

—of leaving the society.

considered as members of said society: *Provided however*, that in every such case, every such person shall always be held to pay his or her proportion of all parish or society charges, assessed and not paid previous to leaving the said society, and being received into another.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said Congregational Society in Newfield, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as parishes are by law required to choose at their annual parish meetings.

[This act passed June 20, 1807.]

CHAP. XLIII.

An act to incorporate Aaron Newhall and others, by the name of The Lynn Long Wharf Company.

Preamble.

WHEREAS, Aaron Newhall, and others his associates, are owners of a wharf in Lynn, in the county of Essex, and a road leading thereto, at a place called Black Marsh; and said proprietors being desirous of extending their said wharf beyond the present limits thereof, for the purpose of coming into deeper water, and of better accommodating themselves with room to land lumber and other articles:—

Persons incor-
porated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Aaron Newhall, Henry Oliver Amos Rhodes, Samuel Chase, Aaron Breed, Theophilus Breed, jun. and James Gardiner, Esq. of Lynn, and Jonathan Buffum, of Salem, and all other persons who may hereafter become partners in said company, be, and they hereby are made and constituted a body politic and corporate by the name of "The Lynn Long Wharf Company," and by that name may sue and be sued, in all actions real, personal or mixed, to final judgment and execution, and may do and suffer all acts, matters and things, which bodies politic may or ought to do and suffer, and may have and use a common seal, and the same may break and alter at pleasure: *Provided however*, that any proprietor, alienating

Proviso.

his share or shares in said company, shall thereupon in respect thereto, cease to be a member of said corporation; and the assignee thereof, and his heirs and assigns shall be in respect thereto, thenceforward a member of said corporation, vested with all the rights, and subject to all the duties, penalties and payments which the assignor thereof was, or might have been vested with or liable to.

SECT. 2. *Be it further enacted*, That the said corporation shall have power and is hereby authorized to extend their said wharf to low water mark, whenever they shall deem it necessary for the purposes aforesaid, *provided* said corporation are or may be the owners of land or flats upon which said wharf may be built, the expense thereof to be defrayed by augmenting the present number of shares, or by a tax on the proprietors, as they shall judge best, to be determined by vote of the proprietors, as hereafter provided in this act.

Proprietors empowered.

SECT. 3. *Be it further enacted*, That the property of said corporation shall be, and hereby is divided into fifty-six shares, and that said corporation shall have power, and is hereby authorized to augment said number of shares to one hundred shares, and to sell said additional number of shares at public auction, to the highest bidder, and that the money arising from the sales of said additional shares, shall be appropriated solely to the making such additions to said wharf as the proprietors shall judge most convenient, and that said shares shall be numbered in progressive order, beginning at number one, and every original member thereof shall have a certificate under the seal of said corporation, and signed by the treasurer, certifying his property in said wharf, as shall be expressed in said certificate.

Property divided into shares.

SECT. 4. *Be it further enacted*, That after such additional shares shall be made, that said corporation shall have power, and they are hereby authorized to make such repairs, alterations and further additions to said wharf, as they from time to time shall deem necessary, and that the expense thereof be defrayed by a tax on the shares in said corporation; *provided* that no grant shall be made exceeding ten dollars on one single share, for additions to said wharf in any one year.

Corporation further empowered.

SECT. 5. *Be it further enacted*, That said corporation shall have power, from time to time, at any legal meeting, to choose a clerk, who shall be sworn, or affirmed by a justice of the peace of said county, to the faithful performance of his duty; they shall also choose a treasurer, wharfinger, and

—to choose officers.

and such other officers as to said corporation shall appear necessary for the management and government thereof; and each member of said corporation, shall have one vote for each share not exceeding ten, and no member shall be allowed more than ten votes, and any member may appear, at any meeting, or vote by proxy; and the said corporation, at any legal meeting, may establish a mode for calling meetings, also the rates of wharfage and dockage, and may make reasonable rules and by-laws, for the governing the affairs of said corporation, and the same may repeal at pleasure: *Provided* that the same rules and by-laws shall not be repugnant to the constitution and laws of this commonwealth, and provided that the proprietors of forty shares of the present number fifty-six, or of seventy shares, when said number shall be augmented to one hundred shares, shall assent thereto. But it shall be lawful to choose a clerk and other officers when necessary, by the majority present at any legal meeting for that purpose, any thing herein to the contrary notwithstanding.

to call meetings

Proviso.

SECT. 6. *Be it further enacted*, That any share may be alienated by the proprietor thereof, by a deed under his hand and seal, and acknowledged before some justice of the peace, and recorded by the clerk of said corporation, in a book to be kept for that purpose, and any purchaser, shewing to the treasurer such deed so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in the form aforesaid, certifying the property in such share to be in such purchaser.

Shares may be alienated.

Delinquents.

SECT. 7. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any tax, duly voted and agreed upon by the corporation, to their treasurer, within forty days after the time set for the payment thereof, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed in Boston or Salem, the sum due on any such shares, and the time and place of sale, at least fourteen days previous to the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing, and on producing a certificate of such sale, from the treasurer, to the clerk of said corporation, the name of such purchaser, with the number of shares so sold, shall be by the clerk entered on the books of the said corporation, and such person shall be considered to all intents

tents and purposes the proprietor thereof; and the overplus, if any there be, shall be paid on demand by the treasurer to the person whose shares were thus sold.

SECT. 8. *And be it further enacted,* That the first meeting of said corporation shall be called by a warrant issued by a justice of the peace, and that any justice of the peace in said county, to whom application shall be made by any three of the present proprietors for the purpose, shall be authorized to issue his warrant, directed to some one of the said proprietors, to call their said first meeting. Justice to issue a warrant.

SECT. 9. *And be it further enacted,* That the Legislature of this commonwealth may, at any time after the expiration of ten years from the passing of this act, alter, amend or repeal the same, as they shall judge to be necessary. Subject to a motion.

[This act passed June 20, 1807.]

CHAP. XLIV.

An act for erecting a Bridge across the stream, called Kenduskeag, in the town of Bangor.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Moses Patten, Amos Patten, Nathaniel Harlow, Samuel E. Dutton, Joseph Treat, John Perkins, jun. Robert Parker, John Balch, William Hammond, jun. Jacob M'Gaw, Horatio G. Balch, Ebenezer Weston, jun. and Joseph Whipple, together with such others as already have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation and body politic, by the name of the Bangor Bridge Company, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and do and suffer all other acts and things which bodies politic may or ought to do and suffer; and that said corporation shall and may have full power and authority to make, have and use a common seal, and the same to alter and renew, at pleasure; and shall also have power to choose seven directors, a president, clerk, treasurer, and such other officers as may be necessary, at such time and place, and in such manner as said corporation, at any legal meeting thereof, may think proper to direct; and said corporation shall also have power to make all necessary and proper rules, regulations and by-laws, not repugnant to the constitution and laws of this Persons incorporated.
Autho choose

this commonwealth, and especially for the transferring of shares, and for the sale of the shares of delinquent proprietors. And if the said corporation shall neglect or refuse to complete the said bridge for the space of two years from the passing of this act, then this act shall be void and of no effect.

SECT. 2. *Be it further enacted*, That the said proprietors shall be, and they are hereby authorized to erect a bridge over the stream called Kenduskeag, in the town of Bangor, from the county road, on the northerly side of said stream, to the landing on the southerly side thereof, near the house of William Hammond; and the said bridge shall be well built of good and durable materials, at least thirty-two feet in width, with a side walk for foot passengers, of the width of four feet on each side, and the said bridge shall be well planked and safely railed; and the said corporation shall be liable to pay all damages which may happen, to any person from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said bridge, upon a presentment of the grand jury of the county. And the proprietors of the said bridge shall be and continue to be a corporation for and during the term of twenty years, from the day of completing the said bridge and opening the same for passengers; and at the expiration of the said term of twenty years, the toll shall cease, and the said bridge shall revert to the town of Bangor, and shall be surrendered to the said town in good repair, to be supported by the said town, in the same manner as other bridges on county roads are supported; and the said town shall be subject to the same penalties in case of neglect.

SECT. 3. *Be it further enacted*, That for reimbursing to the said proprietors their expenses in building the said bridge, a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following, viz.—For every foot passenger, one cent; for every man and horse, four cents; for every two wheeled carriage, for pleasure, ten cents; for every four wheeled carriage, for pleasure, twenty-five cents; for every market cart, drawn by one beast, six cents; for every cart or waggon, drawn by two oxen or horses, ten cents; for every cart or waggon, drawn by more than two oxen or horses, and not exceeding six, twelve and a half cents; and for all cattle or horses, in teams, over six in number, one cent each; for every sled or sleigh, drawn by one beast, four cents;

and if drawn by more than one beast, eight cents ; for all cattle, horses or mules, led or driven, besides those in teams or carriages, or for the use of riders, one cent each ; for all sheep or swine, at the rate of three cents by the dozen ; and to each team, one person and no more, shall be allowed as a driver to pass free from toll. And at all times when the toll gatherer shall not be attending his duty, the gate shall be left open, and the passenger or carriage may pass free of toll ; and the said toll may be commuted with any person or persons, or with any corporation, by taking of him or them, a certain sum annually, as may be mutually agreed on, in lieu of the toll aforesaid : *Provided however,* Proviso. that toll shall not be demanded or received of any person going to or returning from public worship, or school, or military duty, or from any person or persons, resident in said town, passing to or from any part of his farm. And the said proprietors shall erect and keep exposed to public view, a sign or board, with the rates of toll of all the tollable articles, legibly written or printed thereon, in large or capital letters. Sign.

SECT. 4. *Be it further enacted,* That all legal meetings of the members of the said corporation, held in pursuance of this act, the concerns of the said corporation shall be decided by a majority of the votes; and each member present shall have one vote for each share he may hold, and one vote for every five shares above ten, and absent members may vote by proxy, being duly authorized in writing. And whenever any five members shall in writing, request the president to call a meeting of the members of said corporation, the president may cause a meeting to be notified, in the manner which may have been agreed on, for calling meetings of the said corporation. Majority of votes to decide.

SECT. 5. *And be it further enacted,* That any three of the proprietors before named, may call the first meeting of the said proprietors, by an advertisement in the newspaper printed in Buckstown, in three successive papers, the last publication to be ten days, at least, before the time appointed in said advertisement, for said first meeting ; and the said proprietors may then and there agree upon the time and manner of calling future meetings ; and all representations made at said meetings shall be done in writing, and filed with the clerk ; and this act, with all the votes and proceedings of the said corporation, shall be fairly and truly recorded by said clerk, in a book or books, for that purpose to be provided and kept. Manner of calling meetings.

Whereas

Preamble.

Whereas an act was passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and seven, entitled "An act for erecting a bridge across the Kenduskeag stream, in the town of Bangor," which authorized the town of Bangor to build a bridge in the same place intended by this act; and whereas the inhabitants of said town have at a legal meeting authorized their selectmen to petition this court, that all the powers and authorities vested in said town, by the act aforesaid, should be transferred to the above named Moses Patten and others, and their associates, and the selectmen having petitioned this court agreeably to the vote of said town, authorizing them as aforesaid:

Act repealed.

SECT. 6. *Therefore be it further enacted*, That the aforesaid act, entitled "An act for erecting a bridge across the Kenduskeag stream, in the town of Bangor," passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby repealed.

[This act passed June 20, 1807.]

CHAP. XLV.

An act to incorporate certain persons by the name of the Trustees of the Ministerial Funds of the Congregational Society in the town of Malden, in the County of Middlesex.

Preamble.

WHEREAS, fundry grants and donations in real and personal estate have been made to the town of Malden, the rents and profits thereof to be solely and forever applied to the support of the ministry of the Congregational Society in said town; and whereas many and great inconveniencies have arisen in the present mode of executing these generous and pious designs:

Persons incorporated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bernard Green, Esq. Stephen Paine, jun. Nathan Nichols, William Emerson, and Henry Gardner, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of Malden Ministerial Funds, and they and their successors shall continue a body politic and corporate by that name forever; and by the same name may sue and be sued in all actions, and pursue and defend the same, to final judgment and execution.

SECT.

SECT. 2. *And be it further enacted,* That the aforesaid trustees be, and hereby are vested with full power to receive into their hands all monies, grants, donations, and securities for estates real or personal, already raised, and all monies, subscriptions, donations, and securities for real or personal estates that may hereafter be given, raised, or subscribed for the purpose aforesaid, to any amount not exceeding fifteen thousand dollars, and may sell and convey by good and well authenticated deeds, any lands and tenements, whereof the fee may vest in them, by virtue of mortgage or execution. —Empowered.

SECT. 3. *And be it further enacted,* That the said trustees may assemble and meet together, as often as they may think necessary, for the promoting of their trust, any three of whom shall constitute a board for doing business, but the concurrence of three at least shall be requisite to every act and proceeding whatever, they may determine the manner of calling meetings, they may appoint a president, clerk and treasurer, an agent or agents, and other needful officers and committees, they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth, they may have a common seal, and change the same at pleasure. Authorized to choose officers, call meetings, &c.

SECT. 4. *And be it further enacted,* That the clerk of said corporation, who shall be a member thereof, and shall be sworn to the faithful discharge of his office, and shall be the care and custody of all records and documents belonging to said trustees, and shall carefully and fairly record all their votes and proceedings; also, a statement of their funds and estate in their hands, wherein shall be particularly designated the nature and amounts of each original grant or donation, the period when made, the donor's or grantor's name, and place of abode at large, with such other circumstances as may be thought useful or proper, to distinguish the same, and perpetuate the remembrance thereof in a book kept for such purpose, and shall certify the same when thereunto required, and do whatever else may be incumbent to said office, and if he shall neglect so to do, or to deliver up to his successor in office as soon as required, all the records and documents in his hands, in good order and condition, he shall forfeit and pay a fine of fifty dollars, and thirty dollars for every month's detention afterwards. Duty of the clerk.

SECT. 5. *And be it further enacted,* That the treasurer of said trustees, who shall be a member thereof, and shall be sworn Treasurer's duty.

sworn to the faithful discharge of the duties of said office, shall be the receiver of all money and effects due, owing and coming to them, and may demand, sue for and recover the same in their name, unless prohibited by them, and he shall have the care and custody of money and effects, obligations and securities for the payment of money and other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, when they shall require the same to be done, and he shall deliver up to his successor in office, all the books and papers, property and evidences of property in his hands, in good order and condition, and if he shall fail so to do, for the space of thirty days after his successor shall have been duly appointed and qualified, he shall forfeit and pay a fine of *fifty dollars*, and the further sum of *thirty dollars* per month, for such failure or neglect afterwards.

SECT. 6. *And be it further enacted*, That it shall be the duty of said trustees, to use and improve such funds or estate as shall be vested in them by virtue of this act, with care and vigilance, either by loaning the sum upon interest, or vesting it in public securities or bank stock, so as best to promote the design thereof, and they shall be amenable to said town for negligence or misconduct in the management thereof, whereby the same shall be impaired, or suffer loss, waste or diminution, and the inhabitants of said town, may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estate, jointly and severally, for such negligence or misconduct, and recover adequate damage therefor, and any sum so recovered shall be deemed to the benefit of said funds, and shall be paid to said trustees, who may have an action of debt therefor accordingly.

SECT. 7. *And be it further enacted*, That when said trustees shall loan any money belonging to said funds on private obligation, it shall be in sums of not less than two hundred dollars each, and for the term of one year, upon the bond or note of the borrower, with security to the satisfaction of said trustees, for the repayment of the principal sum, with interest annually till paid; and if any debtor to said corporation shall fail to pay the interest due on his bond or note, for the space of thirty days after the same shall become due, it shall be the duty of said trustees, to cause

Trustees to improve funds, &c.

—Liable in case of.

—Limited in loaning money.

cause such bond or note to be put in suit, and prosecuted until it shall be obtained.

SECT. 8. *And be it further enacted,* That if said trustees shall fail to pay the annual income of said funds to the settled minister of the congregational society in said town, towards his salary, or to defray the expense of public worship, when they shall be destitute of a settled minister, within thirty days after the same shall become payable as aforesaid, or neglect to make report annually in the month of May, previous to a choice of trustees to said town, or to a committee chosen for that purpose, of what funds and estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured, and what receipts have been obtained, disbursements made by them the preceding year; they shall severally forfeit for each offence, the sum of *twenty dollars*, and the further sum of *thirty dollars* per month afterwards, until they shall make payment of said income as aforesaid, saving always that said trustees shall not be liable to the forfeiture aforesaid, for non-payment of said income, if they shall prosecute as before in this act provided, within thirty days after the same shall become due for the recovery thereof.

Penalty in case of neglect.

SECT. 9. *And be it further enacted,* That it shall be lawful for the said town of Malden annually, in the month of May, to choose by ballot, such persons as they shall think proper, to the number of five, to office of trustees, providing no person shall be eligible to said office, or have a right to vote in the choice thereof, who shall not be a member of the Congregational Society in said town.

Trustees elected annually.

SECT. 10. *And be it further enacted,* That the said trustees shall have custody of the meeting-house, belonging to the Congregational Society in said town, and the parsonage buildings, and make all necessary repairs thereon, provided the amount of such repairs do not exceed the sum of fifty dollars, at any one time, and state to the assessors of said town, the amount of such repairs and other contingent expenses of said society; and the sum necessary in addition to the proceeds of their funds, to make up the minister's salary, which sums said assessors shall assess upon the polls and estates of those, who are members of said Congregational Society, and commit the same unto the collector or collectors of said town, to be by him or them collected and paid to the treasurer of said trustees, who is vested with the same power in case of neglect or delinquency of such collector or collectors, as town treasurers have in like cases,

General care and concern of the trustees.

said sums to be by him paid out, to defray those expenses, for neglect of which he is subject to the same penalties as he is under in the fifth section of this act.

SECT. 11. *And be it further enacted*, That the said trustees shall be entitled to receive a reasonable compensation for their services, in managing and taking care of said funds and estate, but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

SECT. 12. *And be it further enacted*, That Bernard Green, Esq. is hereby authorized and directed to appoint the time and place for holding the first meeting of said trustees, and to warn such meeting accordingly.

[This act passed June 20, 1807.]

CHAP. XLVI.

An act to incorporate Ezra Smith, Cornelius Thompson, and their associates, for the purpose of making a sluice-way in Topsham, from the upper part of Brunswick falls, to the tide waters below.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ezra Smith, Cornelius Thompson, and all other persons, who now are, or hereafter may be associated with them, for the purpose aforesaid, be, and they are hereby made and constituted, a corporation and body politic, by the name of The proprietors of Topsham Sluice-Way; and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and to do and suffer all other acts and things which bodies politic may do and suffer; and that the said corporation shall have full power to make, have and use a common seal, and the same to renew and alter at pleasure; and at any legal meeting thereof, to choose a moderator, a clerk, who shall be sworn to the faithful discharge of the duties of his office, a treasurer, directors, and such other officers as may be necessary for the government of their concerns; and the said corporation shall also have power to make all necessary and proper rules, regulations and by-laws, not repugnant to the laws and constitution of this Commonwealth; and especially for the transferring of shares, and for the sale of shares of delinquent proprietors; and may enjoin and recover fines and penalties for any breaches of such

Compensated
for services.

B. Green, Esq.
to appoint first
meeting.

Proprietors in-
corporated.

Proprietors em-
powered.

such by-laws, not exceeding *fifteen dollars*, for any one breach thereof.

SECT. 2. *Be it further enacted*, That the proprietors aforesaid be, and they are hereby authorized to make, maintain and use a sluice-way in Topsham, from the upper part of Brunswick falls to the tide waters below, in the most convenient direction and suitable places for making the same, and for the loading, unloading and transporting of lumber and other commodities therein; and to purchase and hold, to them and their successors, real estate necessary and convenient for these purposes. And if it shall be necessary for the said proprietors to run said sluice-way over the lands of any person or persons who may not be willing or able to dispose of his or her right therein, they are hereby authorized to take and hold so much of said lands as may be necessary for the making of said sluice-way, and convenient landings for lumber and other commodities that may be conveyed through the same, by paying all damages that may arise to any person or persons by taking such lands for these uses; and such damages shall be estimated and recovered in the same way and manner as is provided in the third section of the act incorporating the proprietors of the Middlesex Canal, wherein provision is made for the recovery and estimation of damages in similar cases.

Authorized to make a sluice-way.

All damages to be estimated and paid.

SECT. 3. *Be it further enacted*, That if any person or persons shall wilfully and maliciously, in any way, destroy or injure said sluice-way, or any works or part thereof, or divert or obstruct the waters, to the damage of the said proprietors, he, she, or they, shall pay to the said corporation, treble the damage so done, to be recovered by an action on the case, with costs of suit.

Penalty.

SECT. 4. *Be it further enacted*, That for the purpose of reimbursing the said proprietors, the money to be expended in making said sluice-way, and keeping the same in repair, a toll be, and is hereby granted and established for the benefit of the said proprietors, their successors and assigns, according to the rates following to wit: For every thousand feet of boards, of plank in board measure, of joist, of oars and oar-rafters, forty cents; for every thousand of clapboards, forty cents; for every thousand of shingles, eight cents; for every thousand of staves, fifty cents; for every ton of timber, twenty cents; for every hundred feet of ranging timber, fifteen cents; for every mast, sixty cents; for all spars, five mills per inch; and in the same proportion for a greater or less quantity of any of said articles: *Pro-*

Toll established.

--Rates of

vided

Proviso.

vided however, that the General Court shall have the right to regulate said toll at all times, from and after the expiration of seven years from the time said corporation shall commence receiving their toll.

Interest to be divided into shares.

SECT. 5. *Be it further enacted*, That the interest in the said sluice-way shall be divided into one hundred shares, and shall be deemed and considered in law to be personal estate; and that at all legal meetings of the proprietors aforesaid, their concerns shall be regulated and decided by the majority of votes; and each proprietor present, shall have one vote for every share he may hold, provided no one proprietor shall have more than ten votes in any case; and absent proprietors may vote by proxy, under such regulations as the said corporation shall prescribe.

Manner of calling first meeting.

SECT. 6. *Be it further enacted*, That the manner of calling a meeting of the said proprietors, until they at a legal meeting shall adopt any other manner for that purpose, which they are hereby authorized to do, shall be by an application to any Justice of the Peace for the county of Lincoln, from any two or more of said proprietors, under their hands in writing, expressing therein the time and place, and purposes of the meeting; and such Justice is hereby empowered to grant a warrant for such meeting, to be directed to one of the proprietors applying for the same, requiring him to notify the said proprietors of the meeting, and of the time and place, and purposes of the same; and a copy of said warrant, with the notification thereon, shall be posted up in some public place in each of the towns of Topsham and Brunswick, ten days, at least, before the time appointed for holding the meeting.

As void in case.

SECT. 7. *Be it further enacted*, That if the said proprietors shall neglect, for the term of ten years from the passing of this act, to make said sluice-way fit for use, then this act shall be void and of no effect.

[This act passed June 20, 1807.]

[END OF MAY SESSION, 1807.]

ERRATA.—The Chapters at the beginning of this Session, should have been numbered from I to X, instead of their present numbers—when the progression is correct.

LAWS

PASSED AT THE SESSION COMMENCED ON THE
SIXTH OF JANUARY, 1808.

COURTS IN OXFORD.

Jan. 18, An. 1808.

CHAP. XLVII.

An act to establish the shire town, and the times and place for holding the Court of Common Pleas, within and for the County of Oxford.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of Paris, in said county, be the shire town; and that all the necessary public buildings be erected in said town on land belonging to said county, within and for said county of Oxford. Shire town established.

SECT. 2. *Be it further enacted,* That from and after the passing of this act, there shall be three terms of the Court of Common Pleas, to be holden at Paris, within and for the county of Oxford; one on the second Tuesday of May; one on the fourth Tuesday of September, and the other on the third Tuesday of February, annually. Number of terms and times.

SECT. 3. *Be it further enacted,* That all writs, processses, recognizances and other matters and things, returnable or continued to the Court of Common Pleas, by law next to be holden at Paris, within and for said county of Oxford, on the second Tuesday of May next, shall be returned to, continued and have day in the court to be holden on the third Tuesday of February next. Writs, &c. to be returned.

SECT. 4. *Be it further enacted,* That all laws heretofore made and passed, fixing the times and places of holding the said Court of Common Pleas, within and for said county of Oxford, be, and the same are hereby repealed. Laws repealed

[This act passed Jan. 18, 1808.]

CHAP.

CHAP. XLVIII.

An act to incorporate a part of the towns of Boylston, Holden and Sterling, into a separate town, by the name of West Boylston.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land, described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of West Boylston, viz.—Beginning at a black birch tree, on Shrewsbury line, at the south end of the centre line of Malden farm, so called; thence, on said centre line, to a corner of the second precinct in Boylston, near the dwelling house of Reuben Dunton; from thence, following the line between the said first and second precincts in Boylston, to Sterling line; thence, on Sterling line, to a heap of stones, a corner of said precinct; thence, angling as the line now runs, between the first and second precincts in said Sterling, to Holden line; thence, from said Holden line, one hundred rods, to a heap of stones, a corner of said first and second precincts in Holden; thence on the line between the said first and second precincts in Holden, to an apple tree, on Worcester line, near the dwelling house of Artemas Bartlett; thence, angling on the town lines of Worcester and Shrewsbury, to the first mentioned bound: And the said town of West Boylston, shall have and exercise all the rights, powers and privileges, and be subject to all the duties which appertain to other towns, according to the constitution and laws of this commonwealth.

SECT. 2. *And be it further enacted,* That any persons, with their respective families and estates, who dwell within the limits of the said town of West Boylston, and who were not originally incorporated in said second precinct, by the provisions in said act, and who shall choose to belong to the town to which such persons now belong, and shall certify such choice in writing, to the clerk of said town of West Boylston, within six months from the first Monday in March next, such persons, who so certify, shall continue to be inhabitants of such towns respectively, according to such choice.

SECT. 3. *Be it further enacted,* That the inhabitants, dwelling within that part of the town of Sterling, which is by this act made part of the town of West Boylston, shall have

Boundaries.

Certificates requisite.

have their equal proportion of all the public property of the town of Sterling, (excepting real estate, weights and measures) and shall pay their proportionate part of all the state, county and town taxes, and other taxes and debts due from the town of Sterling, previous to the first Monday of March next, according to the proportions in which they have heretofore paid all public taxes, and town debts; and the said inhabitants shall support their due proportion of the poor persons, who are now supported by the town of Sterling: And that any person who may have gained an inhabitancy at any time before the said first Monday of March next, within that part of either the said towns, which is by this act incorporated into the town of West Boylston, and who shall hereafter need to be supported as poor persons, shall be supported by the town of West Boylston. And in the future proportion of state taxes, until a new general valuation shall be made, twenty-seven cents shall be taken from the town of Sterling, as it stands in the aggregate, and set to the town of West Boylston; and the pay of representatives shall be adjusted in the same proportion, until this act shall be in force.

Public property
equally divided.

Description of
poor to be sup-
ported by West
Boylston.

SECT. 4. *Be it further enacted*, That all that part of the town of Holden, which is by this act made part of the said town of West Boylston, shall not be entitled to any part of the public property of the town of Holden, nor chargeable with any part of the expense of supporting those poor persons who are now supported by said town; and any person who hath, or who may hereafter gain an inhabitancy or settlement in that part of Holden, which is by this act made part of the town of West Boylston, shall be supported by the said town of West Boylston; and all monies now raised, or which may be hereafter raised, for public purposes, and all tax bills, which may be sent by legal authority, to said town, before the first Monday in March next, shall be assessed and paid in the same manner as though this act had not passed. And in the future proportion of state taxes, previous to a new general valuation, there shall be seventeen cents deducted from the town of Holden, as it now stands in the aggregate, and set to the said town of West Boylston. And the expense of representative, until this act shall be in force, shall be paid by the said towns of Holden and West Boylston, in the same proportion which they have heretofore paid.

Town property
—poor, and tax-
es regulated.

SECT. 5. *Be it further enacted*, That the said town of West Boylston shall receive and support four tenths of
the

School fund.

the poor persons now chargeable to the town of Boylston ; and that they shall receive the same proportion of all the military stores, and of all monies in the treasury of said town, excepting the donation from Ward Nicholas Boylston, Esq. as a fund for the support of schools in said town. And the said town of West Boylston shall pay their proportion of all debts and taxes now due, and owing by the said town of Boylston, previous to this act being in force ; and until a general valuation shall take place, of the proportion in the state tax, seventy-six cents shall be taken from the town of Boylston, as it stands in the aggregate, and set to the town of West Boylston ; and the expense of representative, shall be paid in the proportion in which it has been heretofore paid.

SECT. 6. *Be it further enacted*, That the provisions in the fourth section of this act, concerning inhabitancy, shall have an equal and uniform effect and operation, alike to the several towns mentioned in this act.

Justice to issue a warrant.

SECT. 7. *Be it further enacted*, That either of the justices of the peace for the county of Worcester, be, and he is hereby authorized to issue a warrant, directed to some inhabitant of the town of West Boylston, requiring him to notify and warn the inhabitants thereof, to meet at such time and place as shall be appointed in said warrant, for the choice of all such officers as towns are by law empowered to choose at their annual town meetings.

SECT. 8. *Be it further enacted*, That this act shall be in force, and operate on the first Monday of March, which will be in the year of our Lord, one thousand eight hundred and eight.

[This act passed Jan. 30, 1808.]

CHAP. XLIX.

An act to incorporate certain persons for the purpose of building a Bridge over Androskoggin river, at Lewiston, between the twenty mile falls and the ferry-way.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Atkinson, Amos Davis, Joseph E. Foxcroft, Thomas Hale, Josiah Little, Michael Little, Edward Little, Benjamin Merrill and Peter Merrill, and their associates, together with such others as already have, or may

may hereafter become proprietors, shall be a corporation by the name of the Proprietors of Lewiston Bridge, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and may keep and use a common seal, may exercise and enjoy the powers and privileges incident and belonging to similar corporations, and do and suffer all other acts and things which like bodies corporate may or ought to do and suffer.

Proprietors authorized to build a bridge.

Common seal.

SECT. 2. *Be it further enacted*, That the said bridge shall be erected at Lewiston aforesaid, between the falls called the Twenty mile Falls, and the ferry-way aforesaid, and that it shall be built of good and durable materials, not less than twenty-six feet wide, and well covered with plank or timber, suitable for such a bridge, and with sufficient rails on each side, for the safety of passengers. And the sills or string pieces of said bridge, shall be laid at least eighteen feet above the surface of the water, in a common freshet: and the said bridge shall be so constructed, as to leave a passage between the piers sufficiently wide, to preserve without interruption, the privilege of transportation in boats, rafts, or other water craft, under the said bridge.

Materials,

SECT. 3. *Be it further enacted*, That for the purpose of reimbursing to the said proprietors the money expended in building the said bridge, and keeping the same in good repair, a toll be, and hereby is granted and established, for the sole use and benefit of the said corporation, according to the rates following, viz.—For each foot passenger, two cents; one person and horse, six cents and five mills; for a single horse-cart, sled or sleigh, ten cents; for each wheelbarrow, hand-cart, and every other vehicle, capable of carrying a like weight, four cents; for each team, including cart, sled or sleigh, drawn by more than one beast, not exceeding four, twelve cents and five mills; and for every additional beast above four, two cents each; for each single horse and chaise, chair or sulky, twelve cents and five mills; for each coach, chariot, phaeton or curricule, thirty-five cents; for neat cattle or horses, exclusive of those rode on, or in carriages, or in teams, two cents each; sheep and swine, for each dozen, six cents; and at the same rate, for a greater or less number. And in all cases the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not loaded; and to each team one man and no more, shall be allowed, as a driver, to pass free from payment of toll. And the said toll shall commence at the day of the first opening of the said bridge, for passengers, and

Toll granted and established.

Rates of

Proviso

shall so continue, for and during the term of thirty years from the said day ; and after the expiration of that term, the said toll shall be subject to be regulated by the legislature : *Provided* the said proprietors shall, at all times, keep the said bridge in good, safe and passable repair, during the term or terms aforesaid : *Provided also*, that all persons going to, or returning from military duty, or public worship, shall, at all times, be permitted to pass said bridge, free of toll.

Manner of calling meetings.

SECT. 4. *Be it further enacted*, That either of the proprietors before named, may, by advertisement in one or more newspapers, in the counties of Cumberland or Lincoln, notify and call a meeting of the said proprietors, to be holden in Lewiston, at such convenient time and place, as shall be expressed in said advertisement, fifteen days at least, before the time of meeting. And the said proprietors, being thus met, allowing one vote to each share, (provided no person shall be entitled to more than ten votes) shall proceed to choose a clerk, who shall be sworn to the faithful discharge of his office. And the said proprietors may, at the same, or a subsequent meeting, appoint such other officers, as they may deem necessary for conducting the business of the said corporation ; and may also agree on a mode of calling future meetings, and to make and establish rules and regulations, as they may judge necessary and convenient, for executing and completing the building the said bridge, for collecting the toll hereby granted, and for the prudent and regular management of the affairs of the said corporation ; and the same rules and regulations may enforce, and for the breach thereof, may order and enjoin fines and penalties not exceeding twelve dollars : *Provided* that said rules and regulations shall not, in any case, be repugnant to the constitution and laws of this commonwealth.

Authorized to choose officers.

Proviso.

Limitation.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the term of seven years from the passing of this act, to build and complete the said bridge, then this act shall be void and of no effect.

[This act passed Feb. 8, 1808.]

CHAP. L.

An act to establish the Nashua Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zabdiel Boylston Adams, Ithamer Beard, Wallis Little, and Josiah Sterns, together with such others as may hereafter associate with them, their successors, or assigns, be, and they are hereby made a corporation by the name of The Nashua Turnpike Corporation, for the purpose of locating, making, and keeping in good repair, a turnpike road: Beginning near the house of Deacon John White, on Concord common; thence through the westerly part of Concord, the northerly part of Acton, the southerly part of Littleton, and the southerly part of Groton, to the east line of Shirley near the bridge, called Page's bridge; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties prescribed and contained in an act, entitled, "An act defining the general powers and duties of Turnpike Corporations;" passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and in any other act or acts, which may be passed regulating or defining the general powers and duties of Turnpike Corporations.

[This act passed February 8, 1808.]

CHAP. LI.

An act in addition to an act, entitled, "An act to establish the Petersham and Monson Turnpike Corporation;" passed February 28th, A. D. 1804, and in addition to one other act, passed 19th June, 1807.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of one year from and after the nineteenth day of June, one thousand eight hundred and eight, be allowed to said Turnpike Corporation for completing said road, any thing contained in the act or acts aforesaid, to the contrary notwithstanding.

[This act passed February 9, 1808.]

CHAP. LII.

An act to incorporate a society by the name of The Massachusetts Missionary Society.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Rev. Daniel Hopkins, the Rev. Samuel Spring, Mr. Henry Gray, the Rev. Samuel Niles, and the Rev. Joseph Barker, with their associates, for the purpose of diffusing the knowledge of the Gospel of Jesus Christ among the heathen, and others in remote places, be, and they are hereby incorporated and made a body politic and corporate for the purpose aforesaid, and by the name of The Massachusetts Missionary Society, to continue and exist for and during the term of fifteen years, from the passing of this act; may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may break, change, alter or renew at pleasure.

Allowed to hold
property.

SECT. 2. *Be it further enacted,* That the said corporation are hereby made capable of taking and holding real estate of any kind in fee simple, or other less estate, not exceeding the annual income of fifteen thousand dollars, and of taking and holding personal estate, by donation, bequest or otherwise, not exceeding the annual income of ten thousand dollars; the annual income of all which real and personal estate, shall be applied to the purpose of diffusing Christian knowledge in such manner as the corporation shall judge will be most conducive to the design of their institution: *Provided,* that all the Missionary Teachers, who may be employed by said corporation, shall be of the Protestant Religion, and of reputed piety, prudence, and learning.

Proviso.

Officers to be
chosen.

SECT. 3. *Be it further enacted,* That the said corporation may annually choose by ballot, a president, secretary, treasurer, and such number of trustees as they may think proper, not less than seven; and such other officers as they shall judge necessary; all of which officers, when chosen, may hold their offices until others are chosen in their stead; and in case of death or resignation of either of said officers, said corporation shall have a right in like manner, at any meeting regularly called for the purpose, to choose others to fill any vacancies which may so happen: *Provided;* however, that the officers which have been already chosen

Proviso.

by

by the persons aforesaid, and their associates, shall continue to hold the offices to which they have been respectively elected, until said corporation shall choose others in their stead, agreeably to the directions in this act.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized at their first meeting to be held under this act, by vote of the majority of the members present at said meeting, to make and establish such rules, regulations, and by-laws, for their government, subject to such revision, alterations or additions, to be made at any regular subsequent meeting as said society shall judge necessary for the well ordering of the affairs of said corporation, and will best promote the design of their institution; and may annex reasonable penalties to the breach of such rules, regulations, and by-laws, provided the same be not repugnant to the constitution and laws of this Commonwealth.

Authorized to
make by-laws.

SECT. 5. *Be it further enacted*, That the Rev. Nathaniel Emmons be, and he is hereby authorized to call the first meeting of said corporation, by publishing a notification of the time and place where the same shall be held, in two of the newspapers printed in Boston, fourteen days, at least, previous to such meeting.

Meetings to be
published.

And to the end, that the members of said society, and all contributors to said design, may know the state of the funds of said society, and of all donations made to the same and of the disposal thereof:

Preamble.

SECT. 6. *Be it further enacted*, That particular accounts of such funds and the disposal thereof, shall be exhibited by the treasurer, or, in case of his absence, by the secretary, at the stated annual meeting of said society, a committee of said society having first examined, and certified the same to be true; and fair entries shall be made in books, to be provided for that purpose, of all donations made to the society, and of all the real and personal estate belonging to the same, and the said books shall be brought to the general stated annual meetings, and be there open for the perusal and examination of the members.

Accounts to be
exhibited an-
nually.

SECT. 7. *Be it further enacted*, That the Legislature of this Commonwealth shall, at any time, have the right, by a committee of their body, to inspect the doings, funds and proceedings of the said corporation; and, for that purpose, shall have access to all books and papers of said corporation.

Privilege of the
Legislature.

[This act passed February 9, 1808.]

CHAP. LIII.

An act to annex Peter Perry and others, of the towns of Stockbridge, and West-Stockbridge, to the first Baptist Society in the town of West-Stockbridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Peter Perry, Samuel Curtis, Ebenezer Herrick, Abraham Parker, Daniel Smith, Afa Smith, Thomas Whelpley, Samuel Whelpley, Job Priest, John Deming, Obadiah Knap, Jedediah Minkler, Hendrick Brafee, Amata Spencer, James Picket, Rufus Wilson, Nathan Johnson, William Hooper, and Uriel Smith, together with their families and estates, all belonging to the towns of Stockbridge, and West-Stockbridge, in the county of Berkshire, be, and they are hereby annexed to, and incorporated with the first Baptist Society in the town of West-Stockbridge, for parochial purposes only, and in that connection shall be entitled to all the privileges, and equally subject to all the duties of other members of the said society, in as ample a manner, as if they had been original members thereof: *Provided however*, that each of the persons before named, shall always be held to pay their proportion of all parish or society charges, assessed and not paid previous to their leaving any other society, and their incorporation with the society aforesaid.

[This act passed February 9, 1808.]

CHAP. LIV.

An act to prevent fraud and deception in curing and pack-smoked Alewives and Herrings, and to regulate the size and quality of the Boxes, and the exportation thereof from this Commonwealth.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of May next, all boxes, which shall be made for the purpose of packing smoked Alewives or Herrings, and containing the same, shall be made of good sound boards, sawed and well seasoned, the sides, top and bottom, of not less than half inch boards, and the ends of not less than three quarters of inch boards, securely nailed with cut or wrought nails; and shall

Size and quality
of boxes.

be

be seventeen inches in length, eleven inches in breadth, and six inches in depth, in the clear inside. And all alewives or herrings, intended to be smoked and packed, shall be sufficiently salted and smoked, to cure and preserve the same, and afterwards closely packed in the boxes, in clear and dry weather.

SECT. 2. *Be it further enacted,* That all smoked alewives or herrings, shall be divided and sorted by the inspector, or his deputy, and denominated according to their quality, *First Sort,* and *Second Sort.* The first sort shall consist of all the largest and best cured fish; the second sort, of the smaller, but well cured fish; and in all cases the following shall be taken out as *refuse*; all those which are belly-broken, tainted, scorched or burnt, slack salted, or not sufficiently smoked. And each box of alewives or herrings, so inspected, shall be branded on the top, by the inspecting officer, with the first letter of the christian name, and the surname at length, of the inspector who inspected the same; and in the like manner, the name of the owner thereof, with the name of the town where it was inspected, with the addition of *MASS.* and also, with the quality of *first sort,* or *second sort.* Fish to be sort

SECT. 3. *Be it further enacted,* That no smoked alewives or herrings, shall be exported from this commonwealth, by water, in boxes, unless the master or owner of the vessel, shall produce to the collector, or any other officer, authorized by the laws of the United States, to clear vessels out, a certificate from the inspector general or his deputy, that the same has been inspected, packed and branded according to the directions in this act. And the certificate shall express the number of boxes thus shipped, the kind and quality of the fish they contain, with the name of the master and owner, and the name of the vessel in which such fish are received for exportation. And such master or owner of every vessel, shall take and subscribe the following oath or affirmation, before the officer authorized as aforesaid: I, A. B. do swear or affirm, (as the case may be) according to the best of my knowledge and belief, that the certificate hereunto annexed, contains the whole quantity of smoked alewives and herrings on board the _____, master; and that no smoked alewives or Herrings are shipped on board said vessel, for the ship's company, or on freight or cargo, but what are inspected, and the boxes containing the same, branded according to the laws of the commonwealth: So help Master or owner to produce a certificate.

Oath.

help me God. (Or, this I do under the pains and penalties of perjury, as the case may be.)

Fees established. SECT. 4. *Be it further enacted,* That the fees for inspecting, packing and branding, shall be four cents for each box, which shall be paid by the purchaser; one cent of which to be allowed the inspector general; and returns shall be made of all boxes inspected and branded, in the same manner as returns are required to be made, according to the laws regulating the inspection of pickled fish. And the same inspectors of pickled fish, which now are, or which may be hereafter appointed, shall be also inspectors of smoked alewives and herrings.

Penalty. SECT. 5. *Be it further enacted,* That no smoked alewives or herrings, which shall not have been inspected and branded, agreeably to the provisions of this act, shall be exported from this commonwealth, under a penalty of two dollars for each box so exported; nor shall any alewives or herrings be taken from any box so inspected and branded, and others of an inferior quality be put in their place, with intent to deceive or defraud any person in the sale of the same, under a penalty of five dollars for each box so changed.

SECT. 6. *Be it further enacted,* That if any inspector or his deputy, appointed by virtue of this act, shall brand any boxes of smoked alewives or herrings, which he has not inspected, packed and nailed, according to the true intent and meaning of this act, or if he shall permit other persons to use his brands, in violation or evasion thereof, he shall forfeit and pay the sum of twenty dollars, for each and every box so branded, and be liable to removal from his office of inspector.

Penalties appropriated. SECT. 7. *Be it further enacted,* That all penalties and forfeitures arising by force and virtue of this act, shall be recovered by action of debt, in any court proper to try the same; one moiety thereof for the use of the town or plantation wherein the offence shall be committed, and the other moiety to him or them who shall sue for the same.

[This act passed Feb. 9, 1808.]

CHAP. LV.

An act to incorporate Gideon O'Brien and others, for the purpose of maintaining a Boom across the west branch of Machias River, in Machias, in the County of Washington.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon O'Brien, Jacob Longfellow, Amos Boynton, William E. Smith, Jeremiah O'Brien, jun. Samuel P. Clark, John Holway, Francis Libbee; William Holway, Joseph Stuart, William Albee, jun. James W. Crocker, Stephen Jones, Benjamin Bary, Henry Lyon, Jonathan Longfellow, Enoch Longfellow, Levi Fairbank, Josiah Hill, William O'Brien, Joseph L. Meserve and George S. Smith, together with such other persons as now have, or shall hereafter become proprietors in the said boom, be, and they hereby are constituted and made a corporation, for laying and maintaining a boom across the west branch of Machias river, by the name of the Proprietors of Machias Boom; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and to do and suffer all such matters and things as bodies politic and corporate may or ought to do and suffer; and the said corporation shall have power to keep and use one common seal, and the same to break, alter and renew at pleasure.

SECT. 2. *And be it further enacted,* That Gideon O'Brien, and others his associates, or any five of them, may, by an advertisement posted up at some public place in Machias, call a meeting of said proprietors at some suitable time and place, giving at least ten days notice of such meetings, and the said proprietors being so met, by vote of the major part of the proprietors present, or represented at said meeting, shall proceed to choose a clerk, treasurer and such other officers as they may from time to time find necessary, who shall be duly sworn to the faithful discharge of their respective trusts, and shall also agree on the method of calling future meetings of the said proprietors, and at the same, or any subsequent meetings, may make and establish any rules and regulations which may be found necessary or convenient, for regulating said corporation, for the collecting the toll or fees, herein established, and for the more effectually executing and completing the general purpose of this act,

Provida.

and shall have power to assess and recover reasonable fines and penalties for any breach or breaches of such rules and regulations, not exceeding ten dollars: *Provided* such rules and regulations shall not be repugnant to the constitution and laws of this commonwealth; and all applications and representations made at such meetings shall be in writing, and signed with the name of the person making the same, which shall be filed with, and recorded by the clerk; and this act, with all the rules, regulations, votes and doings of the said corporation, shall be fairly and truly recorded by the said clerk, in a book or books, for that purpose to be provided and kept.

Rates of fees or toll.

SECT. 3. *And be it further enacted*, That the said corporation shall be entitled to receive of the respective owner or owners of masts, logs and timber, which shall be rafted and secured at said boom, by any person or persons, the following respective fees or toll; for each mast, six cents; for each pine mill log, of thirty feet in length and upwards, four cents; for each pine mill log, under thirty feet in length, three cents; and for each spruce or hemlock mill log or stick of timber, two cents: *Provided however*, that the fees or toll shall at all times hereafter be subject to the revision or alteration of the legislature.

recoverable.

SECT. 4. *And be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for said corporation, by their agent, or other person whom they may appoint for that purpose, to sue for, and recover in a due course of law, by an action upon the case, all such fees or toll, for all masts, logs or timber, secured and rafted as aforesaid, when payment shall be refused or neglected by the person or persons, subject to pay the same.

Damages in case of.

SECT. 5. *And be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the said boom, or any of its appendages, or means of using and improving the same, shall be liable to pay treble damages with cost of suit, as shall be determined in a due course of law, to be sued for and recovered by the proprietors of said boom, in an action of trespass, or on the case.

[This act passed Feb. 13, 1808.]

CHAP. LVI.

An act to incorporate a number of the inhabitants of Abington, and the East Parish in Bridgewater, and one person in the West Parish of Pembroke, into a religious society, by the name of the Union Calvinistic Society, in the south part of Abington.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Aaron Hobart, Christopher Dyer, Bela Dyer, Ebenezer Porter, Aaron Hobart, jun. Joseph P. Gurney, Eliab Noyes, jun. James Reed, Noah Gurney, jun. Levi Shaw, Samuel Porter, Elihu Hobart, James Pool, Noah Pool, Benjamin White, Barnabas French, Jacob Fullarton, Joseph Benner, Obadiah Hearsey, Jacob Harden, Seth Harden, Zacheus Gardner, George Bennett, Thomas Hearsey, Joseph Hearsey, Joseph Shaw, jun. Levi Cook, Noah Ramsdell, Nathaniel Cook, Noah Fullarton, Thomas White, Daniel Perry, Jeremiah Reed, Ephraim S. Jenkins, Josiah Torrey, Gideon Gurney, Silas Shaw, Daniel Gurney, Lebeus Gurney, Isaac Alden, Marcus Alden, Simeon Gannett, Eleazer Whitman, Eleazer Whitman, jun. James Barrell, Seth Hobart, Joseph Shaw, Joseph Gannett, Jonathan Reed, Isaac Brown, Meritt Jenkins, Abel Barrell, John Porter, Allen Marshall, Christopher Bates, Afa Whitman, Samuel Foster, Charles Brown, Nathan Dawes, Seth Gurney, Stephen Hearsey, William Hearsey, John Hearsey, Isaac Alden, the second, Eleazer Washburn, Daniel Whitman, John Brown, John Brown, jun. Luther Gannett, David Pratt, Luther Hearsey, Joseph Ramsdell, John Harden, the fourth, Eli Blanchard, John Harden the second, David Brown, Knight Brown, Jonathan Hobart, Eleazer Keith, Gladden Boney, Christopher Bates, jun. Joseph Reed, Jared Reed, Adam Stetson, Isaac Reed, Calvin Reed, Caleb Howard, Samuel Porter, David Allen, Jonathan Alden, John Keith the second, Phillip Torrey, William Hearsey, jun. Thomas White the second, Afa Whitmarsh, David Brown the second, Ebenezer Shaw, Benjamin Hobart, Afa T. Peterson, and Joseph Dyer, petitioners and inhabitants of the town of Abington and the east parish of Bridgewater, with their families, polls and estates, within said town and parish, and also Isaac Hobart, of the west parish of Pembroke, with his poll and estate in said parish, be. and are hereby incorporated into a religious society of the Congregational denomination, by the name of the Union Calvinistic Society, in the

Persons incorporated.

the south part of Abington, with all the powers and privileges to which parishes are entitled by the constitution and laws of this commonwealth.

SECT. 2. *Be it further enacted,* That any person belonging to the town of Abington, or the east parish of Bridgewater, who may be desirous of becoming a member of the said Union Calvinistic Society, and shall give in his or her name to the clerk of the town of Abington, or the clerk of the east parish of Bridgewater, to which he or she may belong, with a certificate, signed by the clerk of said society, that he or she has actually become a member of said society, at any time previous to the first day of March, in the year of our Lord one thousand eight hundred and ten, shall, from and after giving in such certificate, with his or her polls and estates, be considered a member of said society; *Provided however,* that all such persons shall be held to pay all taxes previously assessed in the town or parish from which he or she may separate.

SECT. 3. *Be it further enacted,* That if any member of said society shall see cause to leave the same, and unite with the town of Abington, or the east parish of Bridgewater, to which he or she may belong, and shall lodge a certificate with the clerk of said society, signed by the clerk of the town or parish to which he or she may belong, that he or she has become a member in religious worship, of said town or parish, at any time previous to the first day of March, in the year of our Lord one thousand eight hundred and ten, and shall pay his or her proportion of all money assessed in said society, previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish, in the same manner as if he or she had never belonged to the said society.

SECT. 4. *Be it further enacted,* That all young persons within the limits of the town of Abington, or the east parish of Bridgewater, when they become twenty-one years of age, shall have full liberty within twelve months after that time, to join with their polls and estates, said society; and also all persons who may settle within the limits of said town or parish, shall have the same liberty to join said society within twelve months from their settlement in said town or parish: *Provided however,* that all such persons shall signify their determination of the same in the manner pointed out in the second section of this act.

SECT. 5. *And be it further enacted,* That Aaron Hobart, jun. Esq. or any other justice of peace, in the county of

To join the
society.

Proviso.

To leave the
society,

Qualifications
necessary.

Proviso.

of Plymouth, be, and he is hereby authorized to issue his warrant, directed to some member of the said Union Calvinistic Society, requiring him to warn the members of said society, qualified to vote in parish affairs, to assemble at such convenient and suitable time and place as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose, in the month of March or April, annually; and to transact all such other matters and things as may be necessary and legal to be done for the said society.

Justice to issue
a warrant.

[This act passed Feb. 18, 1808.]

CHAP. LVII.

An act to explain and amend the Laws respecting Courts of General Sessions of the Peace.

WHEREAS doubts have arisen in the construction of the statute, entitled "An act, in addition to an act, entitled an act establishing Courts of General Sessions of the Peace," passed the third day of July, in the year of our Lord seventeen hundred and eighty-two:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the courts described in said statute, shall have and continue exclusively to exercise all the powers, and perform all the duties which the Courts of General Sessions of the Peace by law had and performed, before the passing of the act aforesaid, on the ninth day of March, in the year of our Lord one thousand eight hundred and four, entitled "An act to enlarge the jurisdiction of the Courts of Common Pleas, and other purposes, except causes of criminal jurisdiction, and also causes relating to the support and maintenance of bastard children, and causes which by law may require the intervention of a jury in court: *Provided however,* the said Courts of Common Pleas shall have power to hear and determine all causes now pending in their respective courts.

Exclusive power

Provide.

SECT. 2. *Be it further enacted,* That from and after the passing of this act, instead of the Courts of General Sessions of the Peace, the style of the said courts shall be the Courts of Sessions, within and for their respective counties.

Styled Courts
of Sessions.

SECT. 3. *Be it further enacted,* That the justices of the peace, *quorum unus*, who have been, or may be appointed in the

the

the several counties, shall continue to have the same powers, and perform the same duties (except as members of the said Court of Sessions) which they by law had and performed, before the passing of the aforesaid statute, on the nineteenth day of June last, past; and all official acts which have been or may be done by the said justices of the peace, *quorum unus*, conformably to such powers and duties, shall be deemed valid in law. And justices of the quorum shall in future be designated by adding the words, (and of the quorum) next after the words justice of the peace, in their commissions.

SECT. 4. *Be it further enacted*, That the Governor be, and hereby is authorized to issue new commissions, in conformity to this act, to the several justices of the General Sessions of the Peace, who have been designated, appointed and commissioned, in conformity to the aforesaid act, which passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and seven; and also to determine the seniority of the several associated justices in their respective courts; a majority of such justices in any county, shall be a quorum; and in the absence of the chief justice, the senior justice present shall preside: *provided*, that nothing contained in this act, shall be deemed to extend the tenure of office of any justice who has been or shall be commissioned under this act, or the act which this act is intended to explain, beyond the term of office specified in his commission as justice of the peace.

SECT. 5. *Be it further enacted*, That it shall be the duty of the several county treasurers, county attornies, sheriffs, and all other persons, holding money or effects, belonging to their respective counties, annually, or oftener, if thereunto required, to exhibit an account of the same to the said Court of Sessions, at such times as they shall appoint: and the same courts are authorized to examine and adjust such accounts, and to make a reasonable allowance for all such services as are not provided for by law; and on settlement, to cause the balances which shall be found due, to be paid into, or from, (as the case may be) the several county treasuries.

SECT. 6. *Be it further enacted*, That in such counties where licenses to innholders and retailers have not been granted at the usual term, it may be lawful for the said Courts of Sessions to grant such licenses at any time before the last Tuesday in June next; any law, usage or custom to the contrary, notwithstanding.

[This act passed Feb. 23, 1808.]

CHAP

Governor to issue
new commissions.

Proviso.

Persons holding
money to exhibit
accounts.

Courts of Sessions
to grant licenses.

CHAP. LVII.

An act to incorporate a number of the inhabitants of the town of Marlborough in the county of Middlesex, into a Religious Society, by the name of The Second Parish in Marlborough.

WHEREAS, a number of the inhabitants of the town of Marlborough, have petitioned this Court to be incorporated into a religious society, and it appearing reasonable that the prayer of their petition should be granted:—

SECT. 1. BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That George Williams, Samuel Gibbon, Aaron Brigham, Ephraim Barber, Silas Gates, Luke Drury, Josiah Fay, William Arnold, William Holyoke, William Gates, Abijah Berry, Eleazer Howe, Moses How, Stephen Felton, Joel Felton, Thomas Rice, Peter Rice, Abraham How, Eli Rice, Joseph How, jun. Roger Phelps, William Boyd, Ephraim Brigham, Jabez Bent, Daniel Stevens, jun. Elihu Maynard, Abner Brigham, John Stevens, Israel Goulding, Joseph Brigham, Moses Ames, Gersthom Rice, Samuel Brown, John Bond, Warren Brigham, Lovewell How, Samuel How, jun. William Felton, jun. Edward Rice, jun. John Gasset, Jabez Rice, Paul Hall, Stephen Howe, Phineas Hall, Joseph Trowbridge, Edward Barnes, Jonas Darling, Justin Darling, Ashbel Samuel Brigham, John Gott Brigham, John Boyd, Hezekiah Maynard, Henry How, Benjamin Rice, jun. Windfor Ward, Jotham Brigham, Joel Rice, Zaccheus Gleason, Samuel Hunt, Archelaus How, Gersthom Biglow, jun. Ananias Cook, Joseph How, Samuel Brigham, Joseph Carly, Seth Rice, Sebes Jackson, Francis Hudson, Matthias Rice Brigham, Solomon Barnes, William Barnes, Phinehas How, Phinehas Brooks How, Ithamar Brigham, Josiah Brown, Abraham Gates, Gilbert How, Sylvanus How, Noah How, Winslow How, Aaron How, jun. Levi How, Daniel Stevens, Edward Rice, William Biglow, Ivory Biglow, Caleb Brigham, jun. Samuel Brigham, David Brigham, Stephen Hudson, James Gleason, Stephen Phelps, John Gleason, jun. Caleb Brigham, jun. Samuel Gleason, Simeon Cunningham, Jonah Rice, Nathan Rice, Francis Gleason, Martin Rice, Fortunatus Brigham, James Wright, Benjamin Chapin, Daniel Dunton, Windfor How, Caleb, Witherbee, Benjamin How, Artemas How, William Rice,

Preamble.

Persons incorporated.

Rice, jun. Benjamin Rice, and John Gleason, the petitioners, with such others as already have, or may hereafter associate with them and their successors, with their families and estates, be, and hereby are made a corporation, by the name of The Second Parish in Marlborough; and, by that name shall have perpetual succession with all the powers, privileges, and immunities, exercised and enjoyed by other parishes and religious societies, according to the constitution and laws of this Commonwealth.

Inhabitants may join either parish.

Provide.

SECT. 2. *Be it further enacted*, That any of the inhabitants of the said town, shall at all times hereafter, have full liberty to join themselves with their families to either of the parishes in the said town; *Provided*, they shall signify in writing under their hands, to the clerk of the said town, sometime in the month of March, annually, their determination of being considered as belonging to the parish to which they may join themselves, as aforesaid.

Considered members till they signify the contrary.

SECT. 3. *Be it further enacted*, That the members of each respective parish, and their families, shall be deemed and considered as continuing members of their respective parishes, with their estates, for the time being, until they shall signify their determination to the contrary, as above expressed, in the second section.

Justice to issue warrant.

SECT. 4. *And be it further enacted*, That Ephraim Rufel, Esq. or any other Justice of the Peace, in the county of Middlesex, be, and he is hereby authorized to issue his warrant directed to some member of the said Second Parish, requiring him to warn the members of the said parish, qualified to vote in parish affairs, to assemble at such convenient and suitable time and place, as shall be expressed in the said warrant, to choose such officers as parishes are by law required to choose in the month of March or April, annually, and to transact all other matters and things for the well being of the said Second Parish.

[This act passed February 23, 1808.]

CHAP. LVIII.

An act to give the District of Alfred, in the county of York, the rank and privileges of a town.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the District of Alfred, in the county of York, be,

be, and hereby is made and constituted a town, by the name of Alfred; and the said town is hereby vested with all the powers and privileges, and subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said town of Alfred, shall bear its proportion of the pay of representatives heretofore chosen, in the same manner, as if this act had not been passed.

[This act passed *February 25, 1808.*]

CHAP. LIX.

An act to establish an Academy at Warren, in the county of Lincoln, by the name of The Warren Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an Academy shall be, and hereby is established in the town of Warren, in the county of Lincoln, for the purpose of promoting piety, morality, and religion, and for the education of youth, in such languages, and such of the liberal arts and sciences, as the trustees herein named, and their successors, shall from time to time direct; and that the Rev. Jonathan Huse, Benjamin Bracket, Esq. James W. Head, Esq. Mr. Thomas Sterret, jun. Samuel Thatcher, Esq. Ebenezer Thatcher, Esq. and captain John Wyllis, all of Warren; the Rev. John R. Cutting, and John Head, Esq. of Waldoborough, captain Thomas Vose, of Thomaston, James Malcom, Esq. of Cushing, the Rev. Henry True, and Joseph Maxey, Esq. of Union, be, and they are hereby appointed the trustees thereof; and they and their successors in the said trust, are hereby made and declared to be a body politic and corporate, by the name of The Trustees of Warren Academy; and the said trustees shall have, hold, and continue in perpetual succession, with all the powers and privileges incident and usually given to, and exercised and enjoyed by other Academies: But the number of the said trustees shall never exceed fifteen, nor be less than nine; and not less than five shall be a quorum for doing business. And the said trustees may keep and use a common seal, which they may alter or change when they see cause; and all deeds or other instruments made by the said corporation, shall be signed and sealed with their

Academy established.

Trustees appointed.

Number limited.

I i

seal,

seal, and executed, delivered and acknowledged by the treasurer of the said corporation, by order of the trustees, and shall be binding on the said corporation, and shall be good and valid in law.

SECT. 2. *Be it further enacted*, That all the monies, lands, or other property already subscribed, or which may hereafter be given, assigned, or transferred to the said trustees, for the use of the said Academy, shall be received and held by them and their successors in office, in trust; and the said trustees, in behalf of said Academy, may also receive and hold in fee simple, by gift, grant or otherwise, any lands or other estate, real or personal; *Provided*, the annual income thereof shall not exceed the sum of five thousand dollars; and the said trustees may sell and dispose of the same, and apply the rents or profits thereof, in such way as they may determine will be the most productive to the general interests of said Academy, and the promotion of literature. And the said trustees, in their corporate capacity, are hereby made capable in law, to sue, and to be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name of The Trustees of Warren Academy.

SECT. 3. *Be it further enacted*, That the said trustees shall have power to appoint a secretary, treasurer, and such other officers and instructors in the said Academy, as they may from time to time judge necessary; to fix the tenure of their respective offices, and to define their several powers and duties; to vacate the place of any trustee, officer or instructor, when, in their opinion, by reason of age or otherwise, he is become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said corporation, and the mode of notifying the members; and to prescribe and establish such reasonable statutes and by-laws, as will best promote and cultivate a spirit of obedience, and a just and mild government in the said Academy; and to annex reasonable penalties for neglect of duty or breach of the laws: *Provided however*, that such statutes and by-laws, shall not in any case, be repugnant to the constitution and laws of this Commonwealth.

And, whereas, it appears to this Court, that the petitioners and subscribers to the said Academy, have fulfilled the conditions in this case required by the Legislature, and have raised the sum of three thousand six hundred and eighty dollars:

SECT

SECT. 4. *Be it further enacted*, That there be, and hereby is granted for the use and benefit of the said Academy, one half township of six miles square, of any of the unappropriated public lands in the District of Maine (excepting the ten townships on Penobscot River, lately purchased by the Commonwealth, of the Indians, and excepting also, the land contracted to be sold to Jackson and Flint, and which contract is now recinded,) to be located and assigned under the direction of the agents for the sale of Eastern Lands, subject to the reservations and restrictions made in like cases, on condition that the said trustees shall within three years from the passing of this act, produce satisfactory evidence to the said agents, that the sum of three thousand dollars has been actually subscribed, and security taken for the payment thereof, for the endowment of the said Academy, and appropriated to that use; and thereupon, the said trustees in behalf of the said Academy, shall receive of the said agents, in the name of the Commonwealth, a deed of the said half township.

Grant made to the Academy.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, is hereby authorized to appoint the time and place for holding the first meeting of the said trustees, and to notify them thereof accordingly.

Justice authorized to call first meeting.

[This act passed February 25, 1808.]

CHAP. LX.

An act in addition to an act, entitled, An act for incorporating certain persons for the purpose of building a Bridge over Charles River, by the name of The Canal Bridge, and for extending the interest of the proprietors of West-Boston Bridge.

WHEREAS, doubts and controversies have arisen among the persons claiming rights under an act, entitled, An act for incorporating certain persons for the purpose of building a bridge over Charles River, by the name of The Canal Bridge, and for extending the interest of the proprietors of West-Boston Bridge, respecting the construction of the same act, and the location of the Canal Bridge, and the objects proposed by the Legislature in passing said act may be defeated, unless some further Legislative provision shall be made respecting the same: *Therefore*,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of*

of the same, That if the several persons claiming rights under the aforesaid act, to which this is in addition, shall not on or before the twenty-seventh day of February instant, procure a release and discharge of all the covenants of warranty contained in the Deed described in the seventeenth section of the act, to which this is in addition, in manner, as in the same section is prescribed, it shall and may be lawful for commissioners hereinafter to be appointed, to view the grounds at and about Lechmere's Point, in Cambridge, and Barrell's Point, in Charlestown; hear all parties and persons interested, and then to determine upon, and fix the most westerly abutment of said bridge, in such place as will best accommodate the public interest; the report of whom, or the major part of them, being made and returned into the Secretary's office, shall be final and conclusive, and determine the place of the westerly end of said Canal Bridge.

Commissioners
to be appointed
to hear and de-
termine.

SECT. 2. *Be it further enacted by the authority aforesaid*, That after the determination of said commissioners shall be made known as aforesaid, it shall and may be lawful for individuals, who are proprietors in the Newbury Port Turnpike Corporation, or in the Middlesex Canal Corporation, if they shall on, or before the first day of May next, procure a release and discharge of all the covenants contained in the Deed aforesaid, in manner prescribed by the seventeenth section of the act aforesaid, to build and erect a bridge and causeway from the northwesterly end of Leverett-street in Boston, to such place at, or about Lechmere's Point, in Cambridge, or Barrell's Point, in Charlestown, as shall be determined upon by the commissioners aforesaid, and the shares in the same bridge and causeway, (unless the subscribers may otherwise agree) shall be equally divided between the several proprietors of the respective corporations aforesaid, and shall be subscribed for and held accordingly; and the several persons who may subscribe for the same, shall be, and hereby are made a body politic and corporate, for the purposes aforesaid, by the name and style of the proprietors of the Canal Bridge, and the said corporation shall have all the powers, privileges and immunities, and be subject to all the duties, requirements and penalties, contained in the act to which this is in addition, excepting the third section thereof; and any three of said subscribers may call the first meeting of said proprietors, in the same way and manner, as is prescribed in the twelfth section of the act aforesaid.

Persons author-
ized on condi-
tions, to build
Bridge.

---Incorporated.

SECT. 3. *Be it further enacted,* That if the individuals aforesaid, shall not procure a release of the covenants contained in the Deed aforesaid, by the time above limited, that then, and in such case, it shall and may be lawful for Andrew Craigie of Cambridge aforesaid, Esq. and such persons as may unite with him for that purpose, if they shall on or before the first day of June next, procure such release and discharge as aforesaid, to build and erect a bridge and causeway, from said Leverett-street, in Boston, to such place as shall have been fixed and determined upon by said commissioners, in manner aforesaid, and the said Andrew Craigie and his said associates shall be, and hereby are made a body politic and corporate for that purpose, by the name and style of "The Proprietors of the Canal Bridge," and the said last mentioned corporation shall have all the powers, privileges and immunities, and be subject to all the duties, restrictions, requirements, and penalties contained in the aforesaid act, to which this is in addition; always, excepting the third section thereof; and the said Andrew Craigie, or any one or more of his associates, may call the first meeting of said last mentioned proprietors, in manner prescribed by the twelfth section of the act aforesaid.

Andrew Craigie, Esq. and others, authorized in case—

SECT. 4. *Be it further enacted,* That the proprietors of the Middlesex Canal Corporation, shall have a right, if at any time hereafter they shall see fit, to cut and make a canal and towing path, between the water in Miller's River, (so called,) and the waters of Charles River, across the land at Lechmere's Point, so as to connect with any towing path they may hereafter make on either side of any such bridge, pursuant to the reservations in the aforesaid act contained: And if the lands of any person shall be taken and appropriated for the purpose of such bridge, or canal and towing path, such person shall be entitled to be compensated in damages therefor, and shall have the like remedy and process therefor, in all respects, as are given in the several acts for laying out highways within this Commonwealth.

Canal and towing path.

Damages to be repaired.

SECT. 5. *Be it further enacted,* That if the said Canal Bridge Corporation should come into being, and have existence under this act, that then, and in such case, the several corporations named in the act, to which this is in addition, shall have and hold, all the powers and privileges granted to them in and by the same act, in the same way and manner they would have been done, to every intent and purpose, as if the terms contained in the seventeenth

Powers and privileges to be held in case—

section

section of said act had been fully complied with, within the time therein limited, excepting always, such parts for which a different provision is made by this act.

Persons appointed commissioners.

Time and place of meeting made known.


SECT. 6. *Be it further enacted*, that the Hon. John Phillips of Andover, and the Hon. Timothy Childs, Esq. Charles Turner, Samuel H. Wheeler, and Silas Holman, Esquires, be, and they hereby are appointed commissioners, at the expense of the party who may apply to them for the purposes mentioned in this act, and they are to give public notice of the time and place of their meeting, in one or more of the newspapers, printed in the town of Boston, twenty days, at least, previous to their meeting.

[This act passed *February 26, 1808.*]

REPORT.

To all People to whom these presents shall come, the undersigned Commissioners send—*Greeting* :

WHEREAS, by an act of the General Court of the Commonwealth of Massachusetts, made and passed on the twenty-sixth day of February, in the year of our Lord, one thousand eight hundred and eight, entitled, “ An act in addition to an act, entitled An act for incorporating certain persons for the purpose of building a bridge over Charles River, by the name of The Canal Bridge, and for extending the interest of the proprietors of West-Boston Bridge,” it is declared, that doubts and controversies had arisen respecting the location of the same bridge; and by the same act, it is, among other things, provided that it shall be lawful for commissioners to be appointed to view the grounds, at and about Lechmere’s Point, in Cambridge, and Barrell’s Point, in Charlestown, hear all parties and persons interested, and then to determine upon and fix the most westerly abutment of said bridge, in such place as will best accommodate the public interest; the report of whom, or the major part of them, being made and returned into the Secretary’s office, shall be final and conclusive, and determine the place of the westerly end of said Canal Bridge: And by the same act, the undersigned were appointed commissioners for the purpose therein mentioned, and were thereby directed to give public notice of the time and place of their meeting, in one or more of the newspapers, printed in the town of Boston, twenty days, at least, previous to their meeting

ing, as by the same act may more fully appear: Now KNOW YE, That we the said commissioners, upon the application of Andrew Craigie, Esq. one of the parties in the same act named, having taken upon ourselves the burden of performing the duties prescribed to us as commissioners, in and by the act aforesaid, We did, on the third day of March instant, appoint the twenty-fifth day of March aforesaid, as the time, and the house of Israel Porter, innholder in Cambridge, as the place, when and where we should meet to commence the duties of our appointment; and we gave public notice thereof, by causing the same to be published in The New-England Palladium; The Repository; The Democrat; and, The Columbian Centinel, being all newspapers printed in the town of Boston, and more than twenty days, previous to our meeting; and having met at the said time and place, the proprietors of the Newbury Port Turnpike Corporation, by their president and directors; the proprietors of the said Canal Corporation, by Benjamin Joy, and Joseph Coolidge, jun. their agents; the proprietors of West-Boston Bridge, by Rufus Green Amory, Esq. their agent; Andrew Craigie, Esq. by himself and Council, and sundry individuals belonging to the respective towns of Cambridge and Charlestown, in the county of Middlesex, severally appeared before us, and we then proceeded to view the grounds at and about Lechmere's Point, in Cambridge, and Barrell's Point, in Charlestown; and having heard all parties and persons interested in the subject matter of our appointment, and duly considered their respective applications, claims and demands, to have the place of the westerly end of said Canal Bridge, fixed and determined at or about the grounds aforesaid, as well as the interest and accommodation of the public, in the locating and fixing the westerly end of said Canal Bridge; and mature deliberation upon all the premises aforesaid, being had: We do award, determine upon, and fix the most westerly abutment of the Canal Bridge, at a red cedar stake, standing in the marsh, near the mud flat, on Lechmere's Point, six feet northwesterly of which stake is a flat stone, on which is marked the letter B, said stake is marked on the southwest side with the letters W A B, and on the easterly side, marked W B; said stake and stone are in a direct line between the southwest corner of the Alms-House in Boston, and a rock on the upland, on Lechmere's Point; by which rock a stake is placed, which stake is marked W B, and the rock marked , in the direction of the line; the

the whole width of said abutment to lie northeasterly of said cedar stake; which abutment, as above described, we determine shall be the place of the westerly end of said Canal Bridge.

In witness whereof, we have hereto subscribed our respective names, at Boston, in the county of Suffolk, this twenty-eighth day of March, in the year our Lord, one thousand eight hundred and eight.

In presence of

Samuel Dana, *of Groton.*
Adams Bailey, *of Boston.*
Jacob Kuhn, *of Boston.*
John Devotion, *of Boston.*

JOHN PHILLIPS, jun.
TIMOTHY CHILDS.
CHARLES TURNER, jun.
SAMUEL H. WHEELER.
SILAS HOLMAN.

[The above report was deposited in the Secretary's office, on the 29th of March, A. D. 1808.]

Attest.

JONA. L. AUSTIN, *Sec'y.*

CHAP. LXI.

An act to incorporate the members of a society, by the name of the Baptist Missionary Society in Massachusetts.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Baldwin, Doctor in Divinity, the Reverend Joseph Clay, Deacon John Wait, of Boston, the Reverend William Collier, Deacon David Goodwin, and Deacon John Carter, of Charlestown, the Reverend Joseph Grafton, and John Kenrick, Esq. of Newton, the Reverend Lucius Bolles, of Salem, the Reverend William Williams, of Wrentham, the Reverend Elisha Williams, of Beverly, the Reverend William Batchelder, of Haverhill, the Reverend Valentine W. Rathbun, of Bridgewater, and the Reverend John Peak, of Newburyport, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a body politic and corporate, by the name of the Baptist Missionary Society in Massachusetts, and by that name may sue, and be sued at law, in any action, real, personal or mixed; and may prosecute and defend such actions to final judgment and execution, and may do and suffer all other things which corporations of a similar nature may or ought to do and suffer, and the said society shall have continuance and succession for the term of fifteen

Persons incorporated.

fifteen years from the passing of this act; but the legislature of this commonwealth, may at any time alter, amend, or repeal the same, if they shall see cause therefor, reserving however to the said corporation, the property thereto belonging, and nothing contained in this act, shall be construed to change or divert the use and expenditure of the funds or other property, from the purpose for which they are or may be raised; and the legislature of this commonwealth shall always have a right to examine into the doings, funds and expenditures of the said corporation, and for that purpose shall have access to all their books and papers.

SECT. 2. *Be it further enacted,* That the said corporation shall have power to receive and hold real estate of any kind in fee simple, or other less estate not exceeding fifteen thousand dollars, and of receiving and holding personal estate by donation, bequest, legacy, or otherwise, not exceeding ten thousand dollars, the annual income of all which real or personal estate, shall be applied to the sole use and purpose of diffusing christian knowlege, in such manner as the said corporation shall judge will best promote and answer the design of their incorporation: *Provided however,* that each and every of the missionaries, or other instructors or teachers employed by the said corporation, shall be of the Protestant religion, of competent learning, of reputed piety and prudence, and of exemplary morals.

Empowered to hold real estate.

Proviso.

SECT. 3. *Be it further enacted,* That the said corporation may annually elect by ballot, by a majority of the members present, at a meeting regularly notified, and held in the manner as directed in the sixth section of this act, a president, vice president, secretary, treasurer, and such number of trustees as they may think proper (not less than seven) and such other officers as they may determine to be necessary; and all such officers, when chosen, may hold their offices until others are chosen in their stead, and in case of death, resignation or disability, of either of the said officers, the said corporation shall have a right in like manner, at any meeting regularly called for the purpose, or at any meeting held by adjournment, as may be most convenient, to fill any vacancy which may so happen: *Provided however,* the present officers of the said society, may continue to hold their places until the next annual meeting, or unless others are chosen in their stead, conformably to the provisions of this act.

Officers elected by ballot.

Proviso.

SECT. 4. *Be it further enacted,* That the said corporation be, and hereby is authorized, at their first meeting, to

Authorized to
establish by-
laws, &c.

be holden under this act, by vote of the majority of the members present, to make and establish such by-laws, rules and orders, as they may think necessary, for the prudent and regular management of their affairs, subject however to revisions, additions or alterations, from time to time, at any regular meeting, and may also annex reasonable penalties, for the breach of either said by-laws, rules or orders, *Provided* the same are not in any case repugnant to the constitution and laws of this commonwealth.

Proviso.

Preamble.

And in order that the members of the said society, and all the contributors to said design, may know the state of the funds, and of all the donations made to the same, and of the disposal thereof :

Treasurer to ex-
hibit accounts.

SECT. 5. *Be it further enacted*, That particular accounts of such funds, and the expenditure thereof, shall be exhibited by the treasurer, or in case of his absence, by the secretary, at the annual stated meetings of said society, a committee of the said society having first examined and certified the same to be true, and fair entries shall be made in books to be provided for that purpose, of all donations made to the society, and of all the estate, real or personal, belonging to the same ; and the said books shall be brought to the general stated and annual meetings, and be there open for the examination of the members.

Dr. Baldwin to
appoint first
meeting.

SECT. 6. *Be it further enacted*, That Thomas Baldwin, Doctor of Divinity, be, and he is hereby authorized to appoint the first meeting of the said society, and to publish a notification of the time and place, in two of the newspapers printed in Boston, fifteen days at least before the day of meeting. [This act passed Feb. 28, 1808.]

CHAP. LXII.

An act in addition to an act, entitled "An act regulating Parishes, Precincts, and the Officers thereof."

Preamble.

WHEREAS it has been the usage of many parishes in this commonwealth, to notify parish meetings by posting up warrants in public places within such parishes, and doubts may arise with respect to the legality of such meetings :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of each parish

ish within this commonwealth, qualified to vote in parochial affairs, shall have power at any legal meeting, to agree upon the mode of notifying all future meetings of such parish.

Inhabitants to notify parish meetings.

SECT. 2. *And be it further enacted*, That all parish meetings, which have heretofore been notified, or which shall hereafter be notified by posting up warrants in public places, within the bounds of such parish or precinct, where no other mode of notifying has been or shall be agreed upon by such parish, shall be deemed to be legal meetings, and their votes and proceedings shall be good and valid: *Provided* such meetings, votes and proceedings, shall be conformable to law in all other respects: *Provided also*, that nothing herein contained shall be construed to affect any suit or process instituted before the passing of this act.

Manner of calling meetings.

Proviso.

[This act passed Feb. 28, 1808.]

CHAP. LXIII.

An act to divide the First Precinct in the town of New Bedford, in the County of Bristol, and to incorporate a religious society, by the name of the Bedford Precinct, in said town.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the first precinct in the town of New Bedford, in the county of Bristol, west of Accushnet river, so called, and south of a line, beginning at the northeast corner of John Coggeshall's farm; thence running westerly, in the north line of said farm, to the northwest corner thereof; and thence west, to Dartmouth line, together with their families and estates, including also John Peckham, with his family and estate, on the northerly side of said line, be, and they hereby are incorporated into a separate precinct, by the name of the Bedford Precinct, with all the privileges, powers and immunities which other precincts within this commonwealth, are entitled to by law.

Inhabitants incorporated.

SECT. 2. *Be it further enacted*, That the said Bedford Precinct hereby incorporated, shall hereafter have or claim no right in any property belonging to the said first precinct, lying or being on the north side of the above described line, excepting the meeting house and burying ground; but all such

Property to remain in the first precinct.

such property shall remain and belong to the said first precinct.

E. Pope, Esq. to
issue a warrant.

SECT. 3. *Be it further enacted*, That Edward Pope, Esq. shall be, and hereby is authorized to issue his warrant, directed to some principal inhabitant within the Bedford Precinct aforesaid, requiring him to warn the inhabitants of said Bedford Precinct, qualified by law to vote in precinct meetings, to assemble at some suitable time and place in said precinct, to choose such officers as precincts are empowered by law to choose in March or April, annually, and to transact all such business as may be necessary and lawful to be done in said precinct.

[This act passed Feb. 29, 1808.]

CHAP. LXIV.

An act authorizing the sale of the Ministry Lands in the town of Livermore, in the County of Oxford, by which to raise a fund for the support of the Ministry in said town.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Gilbert Hathaway, Jesse Stone, Ransom Morton, Thomas Coolidge, Isaac Livermore, Nathaniel Pery and Samuel Livermore, be, and they are hereby appointed agents and trustees of the ministry lands in the said town of Livermore.

Agents appointed.

— incorporated.

SECT. 2. *Be it further enacted*, That the said agents and trustees be, and they are incorporated into a body politic, by the name of the Trustees of the Ministerial Fund, in the town of Livermore; and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, subject to alteration at their pleasure, may sue and be sued, prosecute and be prosecuted and defended in all actions, to final judgment and execution, by the name aforesaid.

— authorized to
sell lands.

SECT. 3. *Be it further enacted*, That the said trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey in fee simple, all or any part of the ministerial lands belonging to said town of Livermore, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds subscribed by their president, and countersigned by their clerk,

clerk, under and by the direction and order of said trustees, or a major part of them, with the seal of said corporation thereto affixed, shall be good and valid in law, to pass and convey the fee simple of said lands from said town, to the purchaser or purchasers thereof, to all intents and purposes whatsoever.

SECT. 4. *Be it further enacted*, That the said trustees shall, annually, in the month of March, from among their number, elect a president, and also a clerk, the duty of which clerk shall be to record the doings of said trustees at any of their meetings, in a book or books to be kept for that purpose; and he shall be sworn to the faithful discharge of his duty, and a record of his being so sworn, shall be made in the books of said corporation; and the said trustees shall also in the month of March, annually, choose a treasurer, whose duty it shall be to receive and apply the monies hereinafter mentioned, in the manner and for the purposes as is and are hereinafter directed.

Trustees to
choose officers.

SECT. 5. *Be it further enacted*, That the number of said trustees shall at no time be more than seven, nor less than five, and four of their number shall be necessary to constitute a quorum for transacting the business of said corporation. And the said trustees shall and may from time to time, fill up all vacancies in their number, which may happen by death, resignation or otherwise, from the inhabitants of said town; and shall have power to remove any of their number, who may through age, infirmity, misconduct, or any other cause, become unfit or incapable of discharging his duty, and supply such vacancy so made, by a new choice from among the inhabitants of the said town of Livermore.

Trustees to fill
vacancies.

SECT. 6. *Be it further enacted*, That the monies arising from the sale of said ministry lands, shall, as soon as may be, be loaned on interest; such loans to be secured by mortgage on real estate of double the value at least of the money loaned; or if the said trustees shall think best, they may at their discretion, invest the whole, or any part of the monies arising from the sale of the aforesaid lands, in public funded securities, or bank stock, and the interest arising from such loans and investments, as often as may be practicable, shall be loaned or reinvested as aforesaid; and also the interest accruing from the interest, until a fund shall be accumulated which will yield and produce yearly, the sum of two hundred dollars.

Monies to be
loaned.

SECT.

Interest appropriated.

SECT. 7. *Be it further enacted*, That as soon as the simple interest of said fund shall amount to the sum of two hundred dollars annually, then said corporation shall forthwith apply the interest aforesaid, solely towards the support of public worship in said town of Livermore, in such way and manner as said town may direct; *Provided always*, it shall never be in the power of said town to alienate, or, in any way dispose of or interfere with the fund or principal; but the said trustees shall exhibit, or cause to be exhibited to said town, at its annual meeting, in March or April, a regular and fair statement of their doings.

Proviso.

SECT. 8. *Be it further enacted*, That the treasurer of said trustees shall give bond with sufficient sureties, to the said town of Livermore, conditioned for the faithful performance of his duty, and for the faithful application and appropriation of all the monies which may come to his hands, conformably to the true intent and meaning of this act.

Treasurer to give bonds.

SECT. 9. *Be it further enacted*, That Isaac Livermore be, and he is hereby authorized to call the first meeting of said trustees, at such time and place within said town of Livermore, by giving each trustee written notice of such time and place, five days at least before such first meeting; and said trustees may, at their first meeting, agree upon the method of notifying and calling their future meetings.

I. Livermore to call first meeting.

[This act passed Feb. 29, 1808.]

CHAP. LXV.

An act to establish an Academy, in the town of Belfast, in the County of Hancock, by the name of the Belfast Academy.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Academy shall be, and hereby is established in the town of Belfast, in the county of Hancock, by the name of the Belfast Academy, for the purpose of promoting piety, morality and religion, and for the education of youth in such languages, and such liberal arts and sciences as the trustees herein named, and their successors shall from time to time direct, and that George Ulmer, Esq. and Samuel A. Whitney, of Lincolnville, Rev. Alfred Johnson, Phineas Ahmur, Bohan P. Field, Thomas Whittier, James Nesmith,

Academy established.

Trustees appointed.

Nesmith, Nathan Read, John Wilson, Jonathan Wilson and Thaddeus Hubbard, Esquires, all of said Belfast, Dr. Oliver Mann and the Rev. William Mason, of Castine, the Rev. Mighill Blood, and Caleb B. Hall, Esq. of Buckstown, be, and hereby are appointed and incorporated the trustees thereof, by the name of the Trustees of Belfast Academy; and by that name, they, and their successors in the said office, shall have and continue in perpetual succession, with all the powers and privileges, incident, and usually given to, and exercised and enjoyed by other academies: but the number of the said trustees, shall never exceed fifteen, nor be less than nine, of whom not less than five shall be a quorum for doing business. And the said trustees and their successors in office, may keep and use a common seal, and the same to alter or change, when they see cause; and all deeds or other instruments, signed and sealed with such seal, executed, delivered and acknowledged by the secretary and the treasurer of said corporation, by order of the trustees, shall be binding on the said corporation, and shall be good and valid in law.

SECT. 2. *Be it further enacted,* That all the monies, lands, or other property already subscribed, or which may hereafter be given, assigned, or transferred to the said trustees, for the use of the said academy, shall be received and held by them and their successors in office, in trust; and the said trustees, in behalf of said academy, may also receive and hold in fee simple, by gift, grant, or otherwise, any land or other estate, real or personal; *Provided* the annual income thereof shall not exceed the sum of five thousand dollars; and the said trustees may sell, and dispose of the same, and apply the rents or proceeds thereof in such way as they may determine will be the most productive to the general interests of said academy, and the promotion of literature. And the said trustees, in their corporate capacity, are hereby made capable in law, to sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Belfast Academy.

SECT. 3. *Be it further enacted,* That the said trustees shall have power to elect and appoint a secretary, treasurer, and such other officers and instructors in the said academy, as they may from time to time judge necessary, to fix the tenure of their respective offices, and to define their several powers and duties; to vacate the place of any trustee, officer or instructor, when in their opinion, by reason of age,

or otherwise, he is become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said corporation, and the mode of notifying the members; and to prescribe and establish such reasonable statutes and by-laws as will best promote and cultivate a spirit of obedience, and just and mild government in the said academy, and to annex reasonable penalties, for neglect of duty, or breach of the laws: *Provided however*, that such statutes and by-laws shall not in any case, be repugnant to the constitution and laws of this commonwealth.

Proviso.

And whereas it appears to this court, that the subscribers and petitioners for the said academy have fulfilled the conditions, in this case required by the legislature, and have raised the sum of three thousand and five hundred dollars, and have also received a donation of one acre of land, estimated at five hundred dollars:

Lands granted.

SECT. 4. *Be it further enacted*, That there be, and hereby is granted for the use and benefit of said academy, one half township, of six miles square, of the unappropriated public land, in the District of Maine, (excepting the ten townships on Penobscot river, lately purchased by the commonwealth, of the Indians, and excepting also the land contracted to be sold to Jackson and Flint, and which contract is now rescinded) to be located and assigned under the direction of the agents for the sale of Eastern land, under the restrictions and reservations made in like cases, on condition that the treasurer of the said trustees, shall within three years from the passing of this act, produce satisfactory evidence to the said agents, that the sum of three thousand dollars has been actually raised, and security taken for the payment thereof, to the satisfaction of the trustees, for the endowment of the said academy, and appropriated to that use: and thereupon, the said trustees, in behalf of the said academy, shall receive of the said agents, in the name of the commonwealth, a deed of the said half township.

SECT. 5. *Be it further enacted*, That any justice of the peace for the county of Hancock, is hereby authorized, upon application therefor, to issue a warrant, directed to one of the trustees hereinbefore named, requiring him to notify the said trustees, of their first meeting, at such convenient time and place, as shall be expressed in said warrant, to organize the said academy, by the choice and election of its officers.

Justice to issue a warrant.

[This act passed Feb. 29, 1808.]

CHAP.

CHAP. LXVI.

An act establishing a corporation, by the name of The Social Insurance Company.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Cook, Robert Stone, jun. Benjamin Crowninshield, jun. and all such persons as have already, or hereafter shall become stockholders in said company, being citizens of the United States, be, and hereby are incorporated into a company, or body politic, by the name of The Social Insurance Company, for and during the term of twenty years, after the passing of this act; and by that name, may sue or be sued, plead, or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey, any estate, real or personal, for the use of said company, subject to the restrictions hereafter mentioned.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the capital stock of said company, exclusive of *premium notes, or profits arising from said business,* shall consist of one hundred thousand dollars; and shall be divided into one thousand shares; of which capital stock, not more than twenty thousand dollars shall be vested in real estate.

Amount of capital stock.

SECT. 3. *Be it further enacted,* That the stock, property, affairs, and concerns of said company, shall be managed and conducted by seven directors, one of whom, shall be the president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors shall, at the time of their election, be stockholders, and citizens of this Commonwealth; and shall be elected on the third Monday of April, in each and every year, at such time of the day, and in such place, in the town of Salem, as a majority of the directors for the time being, shall appoint; of which election, public notice shall be given in one of the newspapers, printed in the town of Salem, and continued for the space of ten days, immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election, by the directors; and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided,* that no stock-

Concerns of the company to be managed by directors.

Manner of electing directors.

Provided.

holder shall be allowed more than ten votes; and the stockholders not present, may vote by proxy, under such regulations as the said company shall prescribe; and if through any unavoidable accident, the said directors should not be chosen on the third Monday of April, as aforesaid, it shall be lawful to choose them on another day, in the manner herein prescribed.

President to be chosen.

SECT. 4. *Be it further enacted,* That the directors so chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be president, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability of the president, or any directors, to serve, such vacancy or vacancies, shall be filled for the remainder of the year, in which they may happen, by a special election for that purpose, to be holden in the same manner as herein before directed, respecting annual elections for directors and president.

Directors empowered.

SECT. 5. *Be it further enacted,* That the president and three of the directors, or four of the directors in the absence of the president, shall be a board competent for the transaction of business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares; and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of Insurance; and shall also, have power to appoint a secretary, and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *Provided,* that such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of this Commonwealth.

Meetings of directors.

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the directors, at least once in every month, and as often within each month, as the president and board of directors shall deem proper; and the president, and a committee of two of the directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of directors, or the committee aforesaid, at and during the pleasure of said board, shall

Committee of directors to be appointed.

shall have power and authority on behalf of the company, to make insurance upon vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person during his absence by sea; and in cases of money lent upon bottomry and respondentia, and to fix the premium and terms of payment; and all policies of insurance by them made, shall be subscribed by the president, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned by the secretary; and shall be binding and obligatory upon the said company, and have the like effect and force, as if under the seal of said company; and all losses duly arising under any such policy, so subscribed, may be adjusted and settled by the president and board of directors, and the same shall be binding on the company.

Powers of directors.

SECT. 7. *Be it further enacted,* That it shall be the duty of the directors, on the second Monday of January and July, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the company: And in case of any loss or losses, whereby the capital stock of the company shall be lessened, each proprietor's or stockholder's estate, shall be held accountable for the instalment that may be due and unpaid, on his share or shares, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode, and at such time or times, as the directors shall order; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital; and that once in every year, and oftener if required, by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Dividends.

Estate of stockholders to be held accountable in case—

SECT. 8. *Be it further enacted,* That the said company shall not directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandize, or commodities whatsoever; and the capital stock of said company, within six months after being collected at each instalment, shall be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank in this Commonwealth, at the discretion of the president and directors of said company.

Stock to be funded.

pany, or of other officers which the proprietors shall for such purposes appoint.

Instalments to be paid.

SECT. 9. *Be it further enacted,* That twenty-five dollars on each share in said company, shall be paid within thirty days after the first meeting of said company, and the remaining sum within one year after said first meeting, in such equal instalments, and under such penalties as the said company shall direct; and no transfer of any share shall be permitted, or be valid, until the whole capital stock shall have been paid in.

Persons eligible to become a director.

SECT. 10. *Be it further enacted,* That no person being a director of any other company carrying on the business of Marine Insurance, shall be eligible as a director of the company by this act established.

Estates of directors liable.

SECT. 11. *Be it further enacted,* That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said company, and the president and directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amounts of any and every loss that shall take place under policies thus subscribed.

Amount of stock to be published.

SECT. 12. *Be it further enacted,* That the president and directors of said company shall, previous to their subscribing to any policy, and once in every year after, publish in one of the newspapers printed in the town of Salem, the amount of their stock; against what risks they intend to insure, and the largest sum they intend to take on any one risk: *Provided,* that the said president and directors shall not be allowed to insure on any one risk, a larger sum than *ten per centum* of the amount of the capital stock actually paid in.

Subject to Legislative examination.

SECT. 13. *Be it further enacted,* That the president and directors of said company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same, under oath.

Meeting to be called.

SECT. 14. *Be it further enacted,* That James Cook, Robert Stone, jun. and Benjamin Crowninshield, jun. or any two of them, are hereby authorized to call a meeting of the members of said company as soon as may be, in Salem, by advertising the same for two successive weeks, in the Essex Register, for the purpose of their electing a first board of directors, who shall continue in office until the third Monday of April, one thousand eight hundred and nine.

[This act passed *March 1, 1808.*]

CHAP.

CHAP. LXVII.

An act to incorporate Peleg Tallman and others, into a company, by the name of The Kennebeck Marine Insurance Company.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Peleg Tallman, together with such others, as already have, or may hereafter associate with them, the petitioners of this act, and such others as they shall admit as their associates, being citizens of the United States, be, and they are hereby incorporated into a company, or body politic, by the name of The Kennebeck Marine Insurance Company, for and during the term of twenty years from the date of this act; and by that name, may sue and be sued, plead, or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company, subject to the restrictions hereinafter mentioned.

Persons incorporated.

SECT. 2. *Be it further enacted,* That a share in the capital stock of the said company, shall be one hundred dollars, and the number of shares shall be one thousand; and if the said number of shares are not already filled, subscriptions may be kept open, under the inspection of the president and directors of the said company, until the same shall be filled; and the whole capital stock, estate or property, which the said company shall be authorized to hold, shall never exceed one hundred thousand dollars, exclusive of premium notes, or profits arising from said business; of which capital stock or property, fifteen thousand dollars only, shall be vested in real estate.

Shares limited.

Amount of capital stock.

SECT. 3. *Be it further enacted,* That the stock, property, and affairs of the said company, shall be managed and conducted by nine directors, one of whom shall be the president thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer; which directors, at the time of their election, shall be stockholders and citizens of this Commonwealth, and shall be elected on the first Tuesday in March, in each and every year, at such time of the day, and at such place in the town of Bath, as the majority of the directors, for the time being, shall appoint; of which election, public notice shall be given, by posting up notice thereof;

Concerns of the company to be managed by directors.

Manner of electing directors.

thereof, in two public places in said town, fourteen days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election, by the directors, and shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided*, that no stockholder shall be allowed more than ten votes; and the stockholders not present, may vote by proxy, under such regulations as the said company shall prescribe; and if in case of any unavoidable accident, the said directors should on the said first Tuesday in March, not be chosen as aforesaid, it shall be lawful to choose them on another day, in the manner herein prescribed.

Provide.

Choice of president.

SECT. 4. *Be it further enacted*, That the directors so chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be president, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case of the death, resignation, or inability to serve, of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is hereinbefore directed, respecting annual elections for directors and president.

Directors empowered.

SECT. 5. *Be it further enacted*, That the president and four of the directors, (or five of the directors in the absence of the president,) shall be a board competent to transact business; and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper concerning the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board shall seem meet: *Provided*, that such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of this Commonwealth.

Provide.

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the directors, at least once in every month, and as often within each month, as the president and board of directors shall deem proper; and the president and a committee of three of the directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said board of directors, and the committee aforesaid, at and during the pleasure of the said board, shall have power and authority on behalf of the company, to make insurance upon vessels, freights, money, goods and effects, and against captivity of persons, and on the life of any person, during his absence by sea; and in cases of money lent upon bottomry and respondentia; and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the president, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, and have the like effect and force, as if under the seal of the said company; and the assured may thereupon maintain an action of the case against the said company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the president and board of directors, and the same shall be binding on the company.

Meeting of directors.

Committee of directors to be appointed.

Powers of

SECT. 7. *Be it further enacted,* That it shall be the duty of the directors, on the first Tuesday of January and July in every year, to make dividends of so much of the interest arising from the capital stock, and the profits of the said company, as to them shall appear advisable; but the monies received, and the notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the company; and in case of any loss or losses whereby the capital stock of the company shall be lessened, each proprietor's or stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode, and at such time or times as the directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution, shall have been added to the capital; and that once in every two years, and oftener, if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting,

Dividends,

Proprietors' estate accountable in case.

ing, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 8. *Be it further enacted*, That the said company shall not directly or indirectly, deal or trade, in buying or selling any goods, wares, or merchandize or commodities whatsoever; and the capital stock of the said company, after being collected at each instalment, shall, within ninety days, be invested either in the funded debt of the United States, or of this commonwealth, or in the stock of the United States Bank, or of any incorporated bank in this commonwealth, at the discretion of the president and directors of the said company, or of other officers which the proprietors shall for such purpose appoint.

Stock to be funded.

Instalments to be paid.

SECT. 9. *Be it further enacted*, That fifty dollars on each share in the said company, shall be paid within sixty days after the first meeting of the said company, and the remaining sum due on each share, within one year afterwards, at such equal instalments, and under such penalties, as the said company shall direct; and no transfer of any share in said company shall be permitted, or be valid, until all the instalments on such shares shall have been paid.

Members' property liable to attachment.

SECT. 10. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said company, and the president or directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed: and that no person, being a director of any company carrying on the business of marine insurance, shall be eligible as a director of the company by this act established.

Amount of stock to be made public.

SECT. 11. *Be it further enacted*, That the president and directors of the said company, shall previous to their subscribing to any policy, and once in every year after, publish in two newspapers, one printed at Portland, and one at Bath, if a newspaper should hereafter be printed there, the amount of their stock, against what risk they mean to insure, and the largest sum they will take on any one risk: *Provided nevertheless*, that the said president and directors shall not be allowed to take more, on any one risk, than ten per centum of the amount of the capital stock of said corporation actually paid in. And the president and directors of the said company shall, when, and as often as required by the legislature of this commonwealth, lay before them a

Provide.

statement

statement of the affairs of said company, and submit to an examination concerning the same, under oath.

SECT. 12. *Be it further enacted*, That any three of the stockholders are hereby authorized to call a meeting of the members of said company, as soon as may be, in Bath, by advertising the same for three weeks successively, in the Eastern Argus, printed at Portland, or in the newspaper printed at Bath, provided one shall be hereafter printed there.

Manner of calling meetings.

[This act passed March 1, 1808.]

CHAP. LXVIII.

An act determining the places of holding the Courts of Probate in the County of Hampshire, and repealing all laws heretofore made on that subject.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of April next, there shall be holden in the county of Hampshire, a Court of Probate in the towns following, and as often therein in each year, as hereinafter expressed; that is to say:—In Springfield, three times; in Greenfield, three times; in Amherst, three times; in Westfield, three times; and in Northampton, once in each month; at such places therein, and at such times in the year, as the judge of probate shall appoint.

Places for holding Probate Courts.

SECT. 2. *Be it further enacted*, That all laws heretofore made, determining the places of holding courts of probate in the county of Hampshire, be, and they hereby are, after the first of April next, repealed.

[This act passed March 1, 1808.]

CHAP. LXIX.

An act, in addition to several acts, for granting Lotteries, for the purpose of completing the Locks and Canals at Amoskeag Falls, in the State of New Hampshire.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That his Excellency the Governor be, and he is hereby authorized to call upon the agents and managers

Managers' to exhibit their accounts.

of the Amoskeag Lotteries, appointed agreeably to the acts of March ninth, one thousand eight hundred and four, and March fourteenth, one thousand eight hundred and six, or their legal representatives, to exhibit to him a true and perfect statement of the sales of their tickets, receipts of money, and their expenditures and appropriations.

SECT. 2. *And be it further enacted,* That if the accounts so rendered be not satisfactory to his Excellency the Governor, then he is hereby empowered to direct the Attorney or Solicitor General to sue the bond of such agent or agents, manager or managers, as shall not exhibit accounts satisfactory to him.

[This act passed March 1, 1808.]

CHAP. LXX.

An act to incorporate a number of persons in the towns of Poland, Minot, and New Gloucester, by the name of the First Methodist Society in Poland.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Allen, Jabez Bradbury, Henry Bray, Henry Bray, jun. Joseph Coombs, Benjamin Coombs, Benjamin Coombs, jun. Aaron Davis, Moses Davis, Zebulon Davis, William Davis, George Dennen, Simeon Dennen, Joseph Dunn, Josiah Dunn, Nathaniel Dunn, William Dunn, William Faunce, Thomas Haskell, John Hayes, Robert Hayes, Robert Hilborn, jun. Ezekiel Martin, Ephraim Pulcifer, Jonathan Pulcifer, David Pulcifer, David Pulcifer, jun. Samuel Ricker, Jacob Strout, Nehemiah Strout, and Jabez True, with their families and estates, together with such others as have, or may hereafter associate with them or their successors, be, and they are hereby incorporated as a separate religious society, by the name of the First Methodist Society in Poland, with all the powers and privileges to which parishes or religious societies are entitled, according to the constitution and laws of this commonwealth: *Provided however,* that all such persons shall be holden to pay their proportion of all monies legally assessed for parochial purposes, in the parish to which he or she formerly belonged.

SECT. 2. *Be it further enacted,* That any person belonging to any other religious society, in either of the towns aforesaid.

Attorney or Solicitor General directed in case.

Persons incorporated.

Provided.

aforefaid, who may defire to join with the faid Methodift fociety in Poland, and who fhall at any time declare fuch intention in writing, delivered to the town clerk, or the clerk of fuch other religious fociety, and produce a certificate, figned by the minifter or clerk of faid Methodift fociety, that he or fhe has actually become a member of, and united in religious worfhip with the faid Methodift fociety, fuch perfon fhall, from the date of fuch certificate, be confidered, with his or her polls and eftate, a member of the faid Methodift fociety.

Members to obtain a certificate.

SECT. 3. *Be it further enacted,* That when any member of the faid Methodift fociety fhall fee caufe to leave the fame, and to unite with any other religious fociety in the town in which he or fhe may dwell, or have their home; and fhall give notice of fuch intention to the minifter or clerk of the faid Methodift fociety, and fhall alfo give in his or her name to the minifter or clerk of fuch other fociety, fifteen days at leaft before the annual parifh or fociety meeting, fuch perfon fhall, from the date of fuch certificate, with his or her polls and eftate, be confidered members of fuch other fociety: *Provided however,* that in every cafe of feceding from one fociety and joining another, every fuch perfon fhall be held to pay his or her proportion of all parochial expenfes incurred previous to leaving fuch fociety.

Members leaving, to give notice.

SECT. 4. *Be it further enacted,* That any juftice of the peace for the county of Cumberland, upon application therefor, is hereby authorized to iffue a warrant, directed to fome member of faid Methodift fociety, requiring him to notify and warn the members thereof, to meet at fuch time and place, as fhall be appointed in faid warrant, for the choice of fuch officers as parifhes, or focieties are by law empowered to choofe, at their annual parifh or fociety meetings.

Justice to iffue a warrant.

[This act passed March 1, 1808.]

CHAP. LXXI.

An act declaring and confirming the incorporation of the Proprietors of the New Meeting Houfe in Saco.

WHEREAS a number of perfons in the town of Saco, affociated for the purpofe of building a new meeting houfe in faid town, have proceeded as a regular proprietary, and nearly completed the fame, and fome legiflative provifions

Preamble.

visions being necessary to confirm their proceedings, regulate their affairs, and to confer upon them new powers for their future government :—*Therefore,*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all persons who now are, or who may hereafter be the proprietors of the pews in the new Congregational meeting house in Saco, be, and they are hereby declared and confirmed to be a body politic and corporate, by the name of The Proprietors of the new Congregational Meeting House in Saco; and by that name may sue and be sued, plead and be impleaded, defend and be defended in all causes in which they have, or may have any concern.

SECT. 2. *And be it further enacted,* That the proceedings of said proprietors in building said meeting house, and their contracts and undertakings therefor, so far as the same are conformable to their original association, and to the votes and resolves of said proprietors, be, and the same and every of them are hereby declared to be valid in law and equity, to every intent and purpose, and said proprietors are hereby authorized to proceed and carry the same into effect.

SECT. 3. *And be it further enacted,* That said proprietors shall have power to choose from among them, three persons for a committee, to manage the prudential affairs of said corporation, a clerk, treasurer, collector, and such other officers as may be necessary; to remove them and fill up vacancies when occasion may require; and also to raise money to fulfil their present contracts and engagements, on account of said meeting house, and for finishing, maintaining and repairing the same, and for other incidental expenses, and to expend the same according to the votes of said corporation: and all money which shall be raised as aforesaid, shall by said committee be assessed on the several proprietors of pews in said meeting house, according to the relative value of the respective pews they may own therein, as established by said proprietors; and if any member of said corporation shall neglect, for the space of sixty days, to pay any sum which may be assessed on him to pay on any pew or pews he may own in said meeting house, the said pew or pews may, by the collector be sold at public vendue, and the money arising from said sale applied to the discharge of any sum assessed as aforesaid, and the residue, (if any) returned to the debtor: *Provided,* that the said collector

Persons incor-
porated.

Proceedings of
proprietors de-
clared valid.

Officers to be
chosen.

Assessment.

Sale of pews in
case of deficien-
cy.

Proviso.

lector shall give notice of said sale, fourteen days, at least, previous thereto, by posting up advertisements at said meeting-house, and at two of the taverns in said town, of the time, place, and cause of sale.

SECT. 4. *And be it further enacted,* That said corporation shall have power to assess as aforesaid, upon the owners of pews in said meeting-house, such sum or sums of money, as they collectively owe, and are indebted for the building of said meeting-house, and for all expenses incident thereto, with such additional sum or sums, on any individual owner or owners of any pew or pews, as he or they may be deficient in the payment of any instalment, or sum or sums of money assessed upon his or their pew or pews; and in default of payment, to proceed as in the third section of this act, and sell the pew or pews, of such delinquent owner or owners, giving notice as therein directed, and returning the balance, if any, to the debtor; but should such pew or pews, not sell for sufficient to pay the sum or sums assessed on the owner or owners thereof, the deficiency shall be paid by such owner or owners in thirty days after notice from the collector, of such deficiency, and if he or they shall fail to pay such deficiency, by the time aforesaid, an action of the case may be commenced and prosecuted against him or them, in the name of said corporation, for the recovery thereof, with interest from the time that notice shall be given by the collector as aforesaid, and costs of suit; in which action the assessment of the committee, and certificate of the collector of the deficiency, shall be conclusive evidence of the debt.

Powers of the corporation.

SECT. 5. *And be it further enacted,* That Foxwell Cutts, be, and hereby is empowered to call the first meeting of said proprietors under this act, for the purpose of choosing the officers of said proprietors, and for any other purposes authorized by this act, and specified in a notification, by him to be posted up at said meeting-house, and one other public place in said town, giving at least, ten days notice of the time and place of said meeting; at which, or any subsequent meeting called as aforesaid, the said proprietors may agree upon the method of calling future meetings.

F. Cutts, authorized and empowered to call first meeting.

[This act passed March 1, 1808.]

CHAP. LXXII.

An act to incorporate the easterly part of the town of Cambridge into a Parish, by the name of The Cambridge Port Parish, and for other purposes.

Parish incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the members of the Cambridge Port Meeting-House Corporation, together with the polls and estates, situate in the fifth school district, in the town of Cambridge, as established in the year of our Lord, one thousand eight hundred and two, which school district, did include all the lands within the same town, situated southerly and easterly of a road or private way, which is between judge Dana's mansion house, and his farm house, and running northerly in the direction of said road to Charlestown line, and southerly in said direction to Charles river, be, and they hereby are incorporated into a Parish, for the purpose of supporting public worship in Cambridge Port Meeting-House, by the name of The Cambridge Port Parish, with all the powers and privileges to which Parishes are entitled by the constitution and laws of this Commonwealth.

Relaxative taxa-
tion.

SECT. 2. *Be it further enacted,* That all the persons now residing within the said Cambridge Port Parish, or in the first Parish in Cambridge aforesaid, who are not petitioners for this act, and who are taxed by the first Parish in said Cambridge, and shall wish to continue their relation to said first Parish, may have their polls, and the estates by them owned and occupied, exempted from taxation by the Cambridge Port Parish, and taxed in the first Parish, each year, in which, in the month of March, they shall signify the same in writing to the clerks of the respective Parishes.

SECT. 3. *Be it further enacted,* That all the persons now residing within the said first Parish, who shall wish to join the said Cambridge Port Parish, may have their polls, and the estates by them owned and occupied, exempted from taxation to the said first Parish, and taxed by the Cambridge Port Parish, each year, which, in the month of March, they shall signify the same in writing to the clerks of the respective Parishes.

Persons entitled
to vote.

SECT. 4. *Be it further enacted,* That each member of said Cambridge Port Parish, who shall own a pew or pews, in the said Cambridge Port Meeting-House, shall have a right to vote in Parish affairs.

SECT.

SECT. 5. *Be it further enacted*, That the Cambridge Port Meeting-House Corporation, may convey to the Cambridge Port Parish, on such conditions, as may be by them mutually agreed, all the property of the said Cambridge Port Meeting-House Corporation, subject to the payment of their just debts; and indentures by their agents for such purpose appointed, mutually signed and sealed, when acknowledged and recorded in the registry of deeds, for the county of Middlesex, shall be deemed valid in law: *Provided however*, that the members of said Parish shall not be liable to be taxed for the expense of building said Meeting-House; and, *provided also*, that whenever the Cambridge Port Meeting-House Corporation, shall have conveyed all their property to said Cambridge Port Parish, that then all the powers of the corporation shall be extinct, excepting so far as may be necessary for collecting assessments already made, and fulfilling existing contracts.

Property may be conveyed.

Proviso.

SECT. 6. *And be it further enacted*, That any Justice of the Peace in the county of Middlesex, be, and is hereby authorized to issue his warrant, directed to some suitable person, requiring him to warn the members of said Parish qualified to vote in Parish affairs, to assemble at some suitable time and place in said Parish, to choose such Parish officers as are by law required to be chosen, in the months of March or April, annually, and to transact all other matters and things relative to said Parish.

Justice to issue warrant.

[This act passed March 1, 1808.]

CHAP. LXXIII.

An act for incorporating certain persons, for the purpose of building a bridge over Charles river, between Cambridge and Brighton, in the county of Middlesex.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Loring Austin, Samuel Wyllys Pomeroy, Josiah Knapp, Josiah Bacon, Samuel Sumner, John Hayden, and all others who are, or may hereafter be associated with them, be, and hereby are constituted a corporation and body politic, by the name of The Proprietors of Brighton and Cambridge Port Bridge, for the purpose of building a bridge over Charles river, between the towns of Cambridge and Brighton, which bridge shall form part

Proprietors incorporated.

of

of a common highway, to be laid out by the said proprietors and others, from the Meeting-House in Brighton, to the county road in Cambridge, leading to West-Boston bridge, and entering the same road opposite the south end of a county road leading to Charlestown; and that the said proprietors by the same name, may sue and be sued, to final judgment and execution, and do, and suffer all other acts and things, which bodies politic may, or ought to do; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Bridge to be built of good materials.

SECT. 2. *And be it further enacted*, That the said bridge shall be built of good and sufficient materials, not less than twenty-five feet wide, and well covered with plank or timber, suitable for such a bridge, with sufficient rails on each side for the safety of passengers; and there shall also be made, a good and sufficient draw, or passage-way, not less than thirty feet wide, with a leaf or leaves, not less than sixteen feet in length, which shall at all times, on demand, be raised for the passage of vessels, which cannot otherwise pass under said bridge, by the agent of said proprietors; and any person or persons, who may be unreasonably delayed and hindered in the passage through said bridge, by the neglect of said proprietors, in this behalf, shall recover and have of said proprietors, double the amount of damages incurred by such unreasonable delay; and the said proprietors shall be holden and obliged, within one month from and after the completion of said bridge, to lodge in the clerk's office of the Court of Sessions, in the county of Middlesex, a good and sufficient bond, made and executed by one or more of the individuals of said proprietors, to the satisfaction of said Court, conditioned for the faithful performance of the duties of raising and opening said drawer, for the convenience of the navigation of said river, and for the recovery of the double damages provided for in this act.

Damages in case of delay.

Road to be made.

SECT. 3. *And be it further enacted*, That the said proprietors shall make the road, from the Brooklyne road, near the house of Thomas Gardner, in Brighton, to the county road in Cambridge, as the same is now laid out by them, and described in the first section of this act, to the acceptance of three disinterested freeholders in the county of Middlesex, to be appointed by the Court of Sessions of said county, to view and report thereon, when the same road may be completed; and the said proprietors shall give notice

notice thereof to said Court of Sessions; and the report of said commissioners, that the said road is well and suitably made for a public highway, shall be conclusive evidence of a compliance by the said proprietors, with the requisitions of this act, in this behalf: *And be it further enacted*, That the town of Cambridge, shall be exempted for the term of twenty years, from and after the passing this act, from any, and all the expense which may arise on account of said road.

SECT. 4. *And be it further enacted*, That the said proprietors shall be held and obliged to maintain and keep the said bridge in good and sufficient repair, for the term of twenty years from the time of its erection, and shall, during said term, cause the draw or passage-way of said bridge, to be raised and opened, as required by the second section of this act, and no longer; and the towns of Brighton and Cambridge, shall not be liable for any charge, costs, or expense, for the support of said bridge, or to any presentment, indictment, information, or civil action, for any defect in said bridge, or any damage sustained by any person, by reason of such defect, for and during the said term of twenty years.

Bridge to be kept in good repair.

SECT. 5. *And be it further enacted*, That the said Jonathan Loring Austin, and Samuel Wyllys Pomeroy, or either of them, may, by advertisement in any two of the Boston newspapers, warn or call a meeting of the said proprietors, to be holden at Boston, at any suitable time after seven days from the publication of said advertisement; and the said proprietors, or a majority of them (allowing a vote to each share) at the same meeting, shall choose a clerk, who shall be sworn to a faithful discharge of his office; and shall also agree on the form of calling future meetings; and at the same, or any subsequent meeting, may choose any other officer or officers they may judge necessary, and establish any rules and regulations for the government of said corporation, not repugnant to the laws or constitution of this Commonwealth, and for the breach of any of them, may order and enjoin fines and penalties not exceeding ten dollars.

Manner of calling meeting.

SECT. 6. *And be it further enacted*, That if the said proprietors shall neglect, for the space of two years from the passing of this act, to build the said bridge, and make the said road, conformable to the provisions herein contained, then this act shall be void and of no effect.

Void in case of neglect.

[This act passed March 2, 1808.]

CHAP. LXXIV.

An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and twelve, no person shall sue, or maintain any writ of right, or make any prescription, title or claim to any lands, tenements or hereditaments, or to any rents, annuities, or portions issuing therefrom, upon the possession or seizen of his or their ancestor or predecessor, beyond the term of forty years, next before the test of the same writ.

Claims limited.

SECT. 2. *Be it further enacted, by the authority aforesaid,* That from and after said first day of January, that no person shall sue, have, or maintain any writ of entry upon disseizen done to any of his ancestors, or predecessors, or any action possessory upon the possession, of any of his ancestors or predecessors, for any lands, tenements or hereditaments, unless the ancestor or predecessor, under whom the demandant shall claim, shall have been seized, or possessed of the lands, tenements or hereditaments, demanded within thirty years next before the test of the same writ, or bringing such action.

Estate demanded must have been held a certain time

SECT. 3. *Be it further enacted, by the authority aforesaid,* That where any action has been, or may hereafter be commenced against any person, for the recovery of any lands or tenements, which such persons now hold by virtue of a possession and improvement, and which the tenant or person, under whom he claims, has had in actual possession for the term of six years, or more, before the commencement of such action, the jury which tries the same, if they find a verdict for the demandant, shall (if the tenant request the same) also enquire; and by their verdict ascertain the increased value of the premises, at the time of trial, by virtue of the buildings and improvements made by such tenant, or those under whom he may claim; and (if the demandant shall require it) what would have been the value of the demanded premises, had no buildings or improvements been made by such tenant, or those under whom he may claim, and if during the term in which such verdict may be given, the demandant shall make his election on record,

Value of estates claimed may be ascertained.

in open court, to abandon the demanded premises to the tenant, at the price estimated by the jury as aforesaid, if the tenant shall not pay into the clerk's office of the said court, for the use of the demandant, the sum with the interest thereof, at which the demanded premises shall be estimated by the jury, within one year next after the verdict shall have been given, a writ of seizen shall issue in favor of the demandant for possession of the premises demanded with the improvements; but if the demandant shall not so make his election on record as aforesaid, no writ of seizen or possession shall issue on a judgment founded on such verdict, unless the demandant shall within one year from the rendition thereof, have paid into the clerk's office of the same court, or to such other person, as the court may, on motion for that purpose appoint for the use of the tenant, or the person or persons justly entitled thereto, such sum with the interest thereof as the jury shall have assessed for buildings or improvements as aforesaid, and a new action for the recovery of the same premises shall not be sustained in any court, unless the demandant shall first have paid to the tenant, all such costs as would have been taxed for him, had he prevailed in the first suit, and in case the demandant shall abandon the premises aforesaid, and the tenant shall pay into the clerk's office, the sum of money, at which they shall have been estimated as aforesaid, for the use of the demandant, the tenant and his heirs shall have a good title to the same premises, against the demandant and his heirs forever; but should the tenant or his heirs afterwards be evicted therefrom, by a higher or better title of any claimant or claimants, if he shall have duly notified the original demandant, to aid him in the defence of such suit, and actually admit him to aid accordingly, such tenant or his legal representatives shall be entitled to receive and recover back the same money, with the lawful interest thereof from him, her or them, who shall have had the use and benefit thereof, in an action for money had and received to the use of such tenant: *Provided nevertheless*, that nothing herein contained, shall extend to any action which is or may be commenced by any mortgagee, his heirs or assigns against mortgager, his heirs or assigns, nor to any action which may be instituted against any person who shall hereafter enter upon any lands, without a license from the owners of the soil.

Writ to issue in case.

Provido.

SECT. 4. *Be it further enacted*, That no tenant against whom judgment shall be rendered in any case, where the value

value of the buildings, and improvements has been ascertained as aforesaid, shall unnecessarily cut any wood, or take any timber from off the premises recovered against him, her, or them, or make any strip or waste thereof, and such tenant shall be liable to answer therefor in the same way and manner he would have been, had possession actually been delivered in execution of such judgment.

SECT. 5. *Be it further enacted,* That no person shall be allowed to sit upon a jury for the trial of any such action where the value of the buildings and improvements are to be ascertained, or the value of the premises to be estimated by the verdict, where such person shall be interested in a similar question, either as proprietor or occupant; but the same shall be good cause of challenge to such juror, any law, usage or custom to the contrary notwithstanding.

Jurors to be un-interested.

[This act passed March 2, 1808.]

CHAP. LXXV.

An act to preserve and secure from damage Salter's Beach, so called, and the Meadows thereto adjoining, in the town of Duxbury.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Duxbury, in the county of Plymouth, be, and they hereby are authorized and empowered to build a sea wall, palisade, or hedge fences, to preserve and secure Salter's Beach, so called, and the meadows thereto adjoining, from the incursions and encroachments of the sea, and the same from time to time to repair as occasion may require, and for said purposes, to make use of any stones, sand, gravel or clay there found, and also to take and appropriate all the lumber which may at any time drift on to said beach, unless the same shall be reclaimed by the owner or owners thereof within sixty days.

Inhabitants empowered.

SECT. 2. *Be it further enacted,* That from and after the first day of April next, no neat cattle, horses or sheep shall be permitted to go at large on said beach or meadows: and if any person shall voluntarily turn or drive on to said beach or meadows, or any part thereof, any such creatures, he shall forfeit and pay to the use of said town, for every one of such creatures, excepting sheep, one dollar; and for every sheep, twenty-five cents.

Penalty for driving cattle.

SECT.

SECT. 3. *Be it further enacted,* That no person, without the permission of the selectmen of said town, or of the committee hereinafter mentioned, for the time being, shall dig up, take or carry away any stones, gravel, sand or clay, found on said beach or meadows, nor take or carry away any lumber or wood which may drift on to said beach, unless such lumber may belong to or have drifted from the possession of such person or persons, on pain that every person so offending shall forfeit and pay to the use of said town, at and after the rate of two dollars for every ton of stones, sand, gravel or clay, so dug up, taken or carried away, and four dollars for every ton of lumber, and one dollar for every foot of wood, so taken or carried away.

Penalty for carrying away.

SECT. 4. *Be it further enacted,* That the penalties aforesaid may be sued for by the treasurer of said town, for the time being, and recovered to the use of said town by action of debt in any court proper to try the same.

Appropriations.

SECT. 5. *Be it further enacted,* That it shall be lawful for any person or persons to take up and impound any neat cattle, horses or sheep, at any time found going at large on said beach or meadows, he or they relieving such creatures with suitable meat and water during the time of their confinement. And when any of the creatures aforesaid shall be so impounded, it shall be the duty of the person or persons impounding, within twenty-four hours to inform the owner thereof, if known, by leaving a written notification at his usual place of abode; or, if unknown, by posting up a written notification in some public place in said town, and also in the town of Marshfield; which notification, in either case, shall describe such creatures, and specify the time, place, and cause of impounding them. And if such owner shall not within three days from the time of leaving or posting up such notification, pay, or offer to pay, to the pound keeper, the penalty or penalties incurred as aforesaid, and also the reasonable expenses of the relief and sustenance of such creatures, together with the pound-keeper's legal fees, such pound-keeper may proceed to sell such creatures at public auction; first giving notice of the time and place of sale, by posting a written notification thereof in some public place in each of said towns, at least forty-eight hours before said sale; and after deducting from the proceeds of any such sale, the said penalties, expenses and fees, together with the costs of such sale, the surplus, if any, shall be paid to such owner, if he shall demand the same, within sixty days after such sale, otherwise it shall be paid into the treasury

Cattle may be impounded

May be sold at auction.

treasury

treasury of the said town of Duxbury, for the use of said town.

Committee to be appointed.

SECT. 6. *Be it further enacted*, That said town of Duxbury, at the annual meeting thereof in March or April, may choose a committee of one or more persons, whose duty it shall be to cause the provisions of this act to be carried into full effect, and who shall be sworn to the faithful discharge of that duty.

Persons interested entitled to compensation for damages.

SECT. 7. *Be it further enacted*, That if any person has a title in or to said beach or meadows or any part thereof, he shall have a right to a compensation in damages, to be paid by said town of Duxbury, for any injury he may sustain by any of the provisions of this act; which damages shall be estimated by a jury, to be awarded by the Court of Common Pleas, in and for said county, and recovered with costs in the same manner in which damages are estimated and recovered by persons injured by the laying out of highways; *Provided* application therefor be made by petition to said court, within twelve months from and after the passing of this act; saving to said Duxbury the right to contest the title of any such applicant, in and to said beach or meadows or any part thereof, by pleading to issue to any such petition. And such issue, whether in law or fact, shall be tried in said court, and either party shall have a right to appeal from the judgment of said court thereon, to the Supreme Judicial Court, in and for said county; and in case such issue be finally determined in favor of such applicant, said Court of Common Pleas shall proceed to award a jury to estimate his damages as aforesaid; but if such issue be finally determined against such applicant, said town shall recover against him their costs.

Jury to estimate damages.

[This act passed March 3, 1808.]

CHAP. LXXVI.

An act further to continue in force, an act, entitled "An act to establish the Taunton and New Bedford Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "An act to establish the Taunton and New Bedford Turnpike Corporation, shall be, and is hereby continued in full force and effect, for and during

during the term of four years, from and after the third day of March, which will be in the year of our Lord one thousand eight hundred and eight; any thing in the said act of incorporation to the contrary, notwithstanding.

[This act passed March 3, 1808.]

CHAP. LXXVII.

An act, in addition to an act, entitled "An act to incorporate fundry persons into a company, by the name of the Proprietors of the Exchange Coffee House."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said corporation be, and hereby is authorized and empowered to raise on mortgages of real estate only, without personal responsibility, a sum of money not exceeding fifty thousand dollars, for defraying the expense of erecting and completing their buildings, and the money raised as aforesaid, shall be used and applied for the purposes aforesaid, and for no other purpose whatever.

Proprietors empowered to raise money.

SECT. 2. *Be it further enacted,* That the real estate of said corporation shall be liable for the debts already contracted by said corporation, any thing herein contained, notwithstanding.

Estate liable in case of deficiency

[This act passed March 3, 1808.]

CHAP. LXXVIII.

An act to incorporate the Proprietors of India Wharf, in the town of Boston.

WHEREAS fundry persons are proprietors of a certain Wharf, situate in the town of Boston, near Batterymarch street, bounded northerly by the wharf of the Broad street Association; westerly by a range of lots and stores fronting on India Wharf, the front of which lots is distant about two hundred feet easterly from Batterymarch street, then bounded southerly on a block of thirty-two brick stores standing on said India Wharf; westerly on the end of the same block, and northerly again on the same block, then bounded westerly again on a straight line, running across from the westerly end of the same block, to the breastwork, on land of John Rowe and others, and bound-

Preamble.

ed

ed on all other sides by the capfill of said India Wharf, with the docks and flats thereto belonging and appertaining; as also two brick stores in the said block of thirty-two stores, numbered twenty-nine, thirty-six, thirty-two and thirty-three, and commonly called the India Stores, and one store lot in the range of lots aforementioned, measuring twenty-four feet wide on the front, on said wharf, and keeping the same width eighty-six feet deep; and they have petitioned this court, that they may be incorporated for the purpose of enabling them the better to manage and improve their said estate:

Proprietors in-
corporated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Uriah Cotting and Francis Cabot Lowell, with their associates, successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of India Wharf; and the said corporation by the said name, are hereby declared and made capable in law to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of the said estate, consistent with the laws of the commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

Powers of the
corporation.

SECT. 2. *Be it further enacted,* That the said corporation shall be, and hereby is declared capable to have, hold and possess all of the said wharf, lands and flats, which may be situate within the aforesaid limits and boundaries, *provided* the lawful proprietors or owners thereof legally convey the same to said corporation; and the said corporation shall have power and liberty to grant, sell and alien in fee simple or otherwise, their corporate property, or any part thereof, being situated within the aforesaid limits and boundaries, and to lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting.

Property divid-
ed into shares.

SECT. 3. *Be it further enacted,* That all the said corporate property shall be divided into four hundred shares, and the said corporation may at any legal meeting agree upon the form of deeds, to be given by said corporation to the original proprietors of the number of shares by them respectively held, which deeds shall be under the seal of said corporation, shall be signed by the president thereof, and be duly acknowledged and recorded in the registry of deeds for the county of Suffolk, and said corporation shall also

have

have power from time to time upon each share, to assess such sums of money as may be deemed necessary for erecting wharves and buildings within the aforesaid limits, and generally for the improvement and good management of said estate, agreeably to the true intent of this act; and to sell and dispose of the shares of delinquent proprietors for the payment of such assessments, at such time and manner as the said corporation may determine; and in case of such sale, a deed or deeds, duly executed and acknowledged by the president of said corporation, or by any other officer for that purpose specially authorized by said corporation, and recorded in the registry of deeds for the county of Suffolk, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares, as if the same had been made and executed by such proprietor himself: *Provided however*, that the value of the buildings held by said corporation, shall not exceed at any one time fifty thousand dollars, exclusive of the land.

Proviso.

SECT. 4. *Be it further enacted*, That the shares of each proprietor in said corporate property, shall be, and be considered in all respects, real estate; shall be transferred and conveyed in the usual manner, by deed duly acknowledged and recorded, and shall be subject and liable to attachment and execution, to dower and descent to heirs, and to all other incidents of real estate: *Provided however*, that in case of levying an execution on any of said shares, the same shall not be appraised and set off to the creditor on such execution; but such share or shares shall be sold by the officer having the execution in like manner in all respects, as is by law prescribed for the sale of rights in equity of redeeming real estates mortgaged; and the debtor shall have the liberty of redeeming the share or shares so sold, within one year after the conveyance thereof by the officer, by paying the sum which may have been given therefor at such sale, with the interest thereof, and also all assessments which may have been in the mean time paid by the purchaser, his heirs or assigns, with the interest thereof, deducting the dividends, rents and profits, which the purchaser, his heirs or assigns may have received: and no part of the land, wharf or estate of said corporation shall ever be divided or set off by metes and bounds, on any such execution against any individual proprietor, nor on assignment of dower, nor on any partition or division among the heirs of any proprietor, nor on the suit or petition of any such proprietor.

Proviso.

Manner of calling meeting.

SECT. 5. *Be it further enacted*, That the said Cotting and Lowell, or either of them, may call a meeting of said corporation, by advertising the same, in any of the public newspapers printed in Boston, at least, ten days before the time of meeting; and at that or any other legal meeting, the said corporation may agree on the mode of calling and warning future meetings, and may elect a president, trustees, clerk, or such other officers as they may judge fit, for the orderly conducting of their affairs, and the prudent management of their estate, and such officers at their pleasure may change or remove; and at all their meetings the proprietors present may vote according to their interest in said property, allowing one vote to each share, and absent proprietors may vote by proxy authorized in writing.

Assessment.

SECT. 6. *Provided however, and be it further enacted*, That no assessment shall be made at any meeting, unless agreed to by two thirds at least, both in number and value of those present and represented; nor unless notice shall have been given, at least, ten days previous to such meeting, of the purpose of such meeting, by publishing the same in some one or more of the newspapers printed in Boston.

[This act passed March 3, 1808.]

CHAP. LXXIX.

An act to divide the town of Freeport, in the county of Cumberland, and to incorporate the northwesterly part thereof, into a separate town, by the name of Pownal.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of the town of Freeport, in the county of Cumberland, that lies northwesterly of the following described line, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of Pownal, viz:—Beginning at the line between said Freeport and North-Yarmouth, at the corner of the lots of land, numbered eleven and thirteen, on range A, in said Freeport; then running northeasterly between the aforesaid lots, numbered eleven and thirteen, to the lot numbered twelve, on the same range; then running northwest by the aforesaid range A, to the southerly corner of the lot numbered ten; then northeast in the line between the lots numbered ten and twelve, to the lot numbered twenty

Boundaries.

twenty-two, on range B; then northwest to the southerly corner of the lot numbered twenty; then northeast in the line between the lots numbered twenty and twenty-two, twenty-one and twenty-three, to the lot numbered twenty, on range C; then northwest to the southerly corner of the lot numbered eighteen; then northeast in the line between the lots numbered eighteen and twenty, nineteen and twenty one, in said range C, to the lot numbered eighteen, on range D; then northwest to the southerly corner of the lot numbered sixteen; then northeast in the line between the lots numbered sixteen and eighteen, seventeen and nineteen, on said range D, to the lot numbered sixteen, on range E; then northwest to the southerly corner of the lot numbered fourteen; then northwest, in the line between the lots numbered fourteen and sixteen, fifteen and seventeen, to the line between the towns of said Freeport and Durham: And the inhabitants of said town of Pownal, are hereby vested with all the powers and privileges, rights and immunities, to which other towns are entitled by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said town of Pownal, shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed by said town of Freeport, prior to the date of this act.

Taxes to be paid.

SECT. 3. *Be it further enacted*, That the poor of said town of Freeport, with which it is now chargeable, together with such poor as have removed out of their town, prior to this act of incorporation, but who may hereafter be lawfully returned to said town of Freeport for support, the expense thereof shall be divided between the two towns, in proportion as they pay in the state valuation.

Poor, expense of to be divided.

SECT. 4. *Be it further enacted*, That of all state and county taxes, which shall be levied and required of said town, previous to a new valuation, the said town of Pownal, shall pay four tenth parts.

SECT. 5. *Be it further enacted*, That Ammi R. Mitchell, Esq. be, and he hereby is authorized to issue his warrant, directed to some suitable inhabitant of the said town of Pownal, requiring him to notify and warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers, as other towns within this commonwealth are required by law to choose, in the months

A. R. Mitchell, Esq. authorized and empowered to call meeting.

months of March or April, annually, and the officers so chosen, shall be qualified as other town officers are.

[This act passed *March 3, 1808.*]

CHAP. LXXX.

An act to annex an unincorporated tract of land, called and known by the name of Little River Plantation, to the town of Lisbon, in the county of Lincoln.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a certain tract of land, called Little River Plantation, bounded as follows, to wit:—Westwardly, about one mile on Lewiston; southwardly on Androscoggin river, about six miles; eastwardly on Topsham, about one mile; northwardly on Lisbon, about five miles; with the inhabitants thereon, be, and hereby are annexed to and made a part of the town of Lisbon aforesaid, in the county of Lincoln.

[This act passed *March 4, 1808.*]

CHAP. LXXXI.

An act to incorporate township number Three, in the second range of townships, on the west side of Kennebeck river, in the county of Kennebeck, into a town by the name of Freeman.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That township number Three, in the second range, on the west side of Kennebeck river, in the county of Kennebeck, contained within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town by the name of Freeman, to wit:—Beginning at the northwest corner of the town of Strong; thence north six miles, to the Bingham Purchase, so called; thence east six miles and eighty rods, to the northwest corner of township number Two, or New-Portland; thence south six miles, to the north line of New-Vineyard; and thence west six miles and eighty rods, to the first mentioned bounds: And the said town is hereby vested with all the powers, privileges and immunities, which other towns do,

do, or may enjoy by the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That any Justice of the Peace within the county of Kennebeck, may, and he is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of Freeman, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers, as towns are by law required to choose, in the month of March or April, annually.

[This act passed *March 4, 1808.*]

CHAP. LXXXII.

An act to set off certain persons of the first Parish in the town of Fitchburg, in the county of Worcester, and to annex them to the second society in said town.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Blaney, Stephen Dole, Joseph Farnsworth, Oliver Fox, Nehemiah Giles, Porter Kimball, and William Walton, members of the first Parish in the town of Fitchburg, in the county of Worcester, with their families and estates, be, and they are hereby set off from the first Parish, and annexed to the second society in the said town, called the Calvinistic Congregational Society in Fitchburg: *Provided*, that each of the persons herein named, shall previously pay his respective proportion of taxes assessed upon him, and due to the said first Parish, prior to the date of this act.

[This act passed *March 4, 1808.*]

CHAP. LXXXIII.

An act in further addition to the act, entitled, "An act to secure to owners their property in logs, masts, spars, and other timber, in certain cases."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all logs, masts, spars, and other timber floated in Sheepscot river, in the county of Lincoln, unmarked,

or on which the marks shall have been so defaced, as not to be known, commonly called prize logs, shall be carefully rafted, towed away, and secured by themselves; either at Choate's Fall, so called, in Ballstown, or at the head of the tide, so called, in New Milford, as may be most convenient by a committee of three persons, two of whom shall be appointed by the selectmen of New Milford at the annual town meeting, and one by the committee or assessors of the plantation of Ballstown, and the said committee shall sell the same at public auction, to the highest bidder, after posting up advertisements of the time and place of sale, in some public place in said New Milford and Ballstown, twenty days before the sale; and the proceeds of such sale, after deducting the necessary expenses of securing, and selling the same, shall by the said committee, be appropriated to the clearing the said river from obstructions; and facilitating the passage of logs and rafts down the same.

Prize logs to be rafted and advertised.

SECT. 2. *And be it further enacted,* That any person or persons, not being the owner of such prize logs, mast, spar, or other piece of timber; who shall take, carry away, sell or mark the same, contrary to the meaning and intent of this act, shall forfeit and pay for each and every offence, the sum of thirty dollars, to be recovered by an action of debt, in any court proper to try the same, with legal costs, to be prosecuted by the committee for the time being, to be appointed in manner aforesaid, and to be appropriated in the way and manner, and for the purpose before mentioned.

Penalty.

[This act passed March 4, 1808.]

CHAP. LXXXIV.

An act in addition to an act, entitled, "An act to incorporate a number of the inhabitants in the town of Limington, in the county of York, into a separate Religious Society, by the name of The First Baptist Society in Limington."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the limitation of one year, prescribed in the second and third sections of the act, to which this is an addition, for persons to join with, or leave said society, be, and hereby is repealed, and that the same liberty be, and

and hereby is allowed to be exercised and enjoyed at any time hereafter in the same manner as if the limitation of one year as aforesaid had never been made: *Provided*, that all the rules and regulations which are prescribed in said second and third sections shall be fully observed and complied with.

[This act passed March 4, 1808.]

CHAP. LXXXV.

An act to incorporate the Proprietors of a New Meeting House, in the Fourth Parish in Newbury, in the County of Essex.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the new meeting house in the fourth parish in Newbury, and of the land under and adjoining the same, shall be, and they are hereby incorporated and made a body politic and corporate, by the name of the Proprietors of the new Meeting House in High Street, in the Fourth Parish of Newbury; and the said proprietors are hereby made capable in law, to purchase and hold lands or tenements, goods or chattels, provided that the whole estate both real and personal, belonging to the said corporation, shall not at any time exceed the annual value of three thousand dollars, besides their meeting house, and shall be no otherwise used or employed than in the support of a religious society, and the offices of public worship and christian charity. And the said corporation may also sue and be sued in any action real, personal or mixed, and for debts due or owing before or after this act of incorporation; and may do and suffer all other things which like bodies corporate may or ought to do and suffer.

Proprietors incorporated.

SECT. 2. *Be it further enacted*, That the proprietors of the meeting house, and the members of the said parish, qualified by law to vote in town or parish meetings, shall have power, at any meeting legally warned and holden in the month of March or April, annually, to vote and raise money for the support of the public worship of God, and the incidental charges of said parish; also to make such repairs or alterations of said meeting house, at the expense of the parish as they shall judge proper, by a tax to be laid wholly

Empowered to raise money.

wholly upon the proprietors of the pews and seats of the said meeting house, or partly on said pews and seats, and partly on the polls and estates of such of the members of said parish, as shall usually and statedly attend public worship in said meeting house, and shall be determined upon by a majority of the voters who shall be present at such meeting.

SECT. 3. *Be it further enacted*, That the several assessments which may hereafter be made, in conformity to this act, by the assessors of said parish, on the pews in their said meeting house, or on the pews in part, and partly on the polls and estates of the inhabitants and members of said parish, shall be considered as duly assessed; and the several collectors duly chosen to collect the same, are hereby fully authorized to collect the taxes to them committed; and in default of payment thereof, to sell the said pews in the manner as pointed out in the fifth section of this act; and if need be, other estate as the law in such case directs.

SECT. 4. *Be it further enacted*, That for the due and equitable apportionment of the taxes hereafter to be assessed on said pews, the inhabitants and members of said parish, as often as they may judge necessary, shall cause a valuation to be taken of the pews aforesaid, by a committee to be chosen for that purpose; and in case no such committee is chosen, the assessors of said parish, for the time being, shall take such valuation, in which they shall number, appraise and value all the pews respectively, according to their rank and situation, and make a fair list of such valuation, and keep the same in the office of the assessors, to be delivered to their successors; and also a copy of the same shall be kept by the treasurer of said parish; and the sums voted from time to time to be laid on the pews aforesaid, shall be apportioned and assessed thereon, by the assessors for the time being, according to such valuation, and until a new one shall be voted by said parish.

SECT. 5. *Be it further enacted*, That when the owner or owners, occupant or occupants of any pew or pews in the said meeting house refuse or neglect to pay the tax or taxes which have been or may be hereafter assessed on his or their respective pew or pews, then the collector or collectors of any such tax or taxes to whom the same is committed, with a warrant or warrants, in the form prescribed in the sixth section of this act, shall have power to demand and receive the taxes on said pews, of and from the owners or occupants thereof; and if payment thereof is refused

or

Sale of pews in
case of deficiency.

Committee to
take a valuation
of the pews.

or neglected for thirty days after such notice and demand, by said collector or collectors, to the owners or occupants, if known, and living in said parish; or posted up at the door of said meeting house, when unknown, or not living in said town; of all which, the collector's oath shall be admitted as sufficient evidence, such collector shall have power to sell such pew or pews at public sale in said parish, to the highest bidder, notice of such intended sale being given four days at least after the expiration of said thirty days, and before the time of sale, by posting up written notifications at the door of said meeting house, of the time and place of sale, distinctly mentioning therein the pew or pews to be sold, and their numbers respectively: and the said collector shall have power, when he may see cause, to adjourn the said sale or vendue from time to time, not exceeding three times, and not beyond thirty days from the day first appointed for the said sale; and to make and execute a deed or deeds of any such pew or pews, sold by him, conformably to this act; which deed or deeds, with said notifications, being duly recorded in the books of the parish clerk, shall vest in the purchaser the interest and estate of the former owner, in such pew or pews, and in the land under and adjoining the said meeting house; and if any overplus remain upon such sale, the same shall be immediately paid to the former owner or owners after the taxes and all legal charges are deducted.

Collector empowered to sell delinquents' pews.

SECT. 6. *Be it further enacted*, That the collector or collectors of the said parish, to whom parish taxes have been or may be hereafter committed, with a warrant or warrants for collecting the same, in the form prescribed by law, for collecting town taxes, *mutatis mutandis*, shall have the same power to collect such parish taxes on polls and estates, as collectors of town taxes have by law: and shall observe the same directions in collecting and paying over the same, according to their warrants, which town collectors are holden to observe.

—to collect parish taxes.

SECT. 7. *Be it further enacted*, That any justice of the peace for the county of Essex, is hereby authorized to issue a warrant, directed to some member of the said society, requiring him to notify the members of the said society, qualified to vote in parish affairs, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes are by law required and empowered to choose at their annual parish meetings.

Justice to issue a warrant.

[This act passed March 4, 1808.]

CHAP. LXXXVI.

An act in addition to an act, entitled “An act to establish the Sixteenth Massachusetts Turnpike Corporation.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the said turnpike road which lies between the East street, so called, in Sheffield, and the meeting house in the same town, be, and the same is hereby discontinued as a turnpike, and the said corporation are hereby discharged from the obligation of making and keeping in repair that part of said turnpike lying between the limits aforesaid, any thing in the act to which this is in addition to the contrary notwithstanding.

[This act passed March 4, 1808.]

CHAP. LXXXVII.

An act in addition to an act, entitled “An act establishing the Sixteenth Massachusetts Turnpike Corporation.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years, from the fourteenth day of February, one thousand eight hundred and eight, be, and hereby is allowed to said corporation to complete their said turnpike road; any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed March 4, 1808.]

CHAP. LXXXVIII.

An act to alter the time of holding one of the terms of the Court of Common Pleas and Court of Sessions, in and for the County of Barnstable.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of Common Pleas, and Court of Sessions, by law appointed to be holden at Barnstable, within and for the county of Barnstable, on the third Tuesday of September, shall in future be holden at the same place, on the last Tuesday in September, annually, any law to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That all suits, actions, writs, processes, precepts, recognizances, and all matters whatsoever be made returnable, entered and proceeded upon at said court to be holden on said last Tuesday in September.

[This act passed March 4, 1808.]

CHAP. LXXXIX.

An act to authorize the sale of the School Lands in the town of Columbia, in the county of Washington, and to appropriate the proceeds thereof, as a fund for the support of Schools in the said town.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Bailey, Ichabod Bucknam, William Bucknam, Joseph Patten, Thomas Ruggles, David Wafs, and William Wafs, be, and they are hereby appointed trustees of the school lands, in the town of Columbia, in the county of Washington; and, they and their successors in said office, are hereby incorporated by the name of The Trustees of the School Funds in Columbia, and by that name, shall be capable in law, to sue, and be sued, to final judgment and execution, and shall possess, hold, and exercise all such powers and privileges, as are incident to, and usually given to similar corporations; and the number of the said trustees shall never be less than five, nor exceed seven, any five of whom, may be a quorum for doing business; and shall have power to supply any vacancies which may happen in their number, whether by death, resignation, removal, or any other disqualification; and shall also have power to remove any of their number, who from age, infirmity, misconduct, or any other cause, shall become unfit or incapable of discharging their duty, and fill up such vacancies by a new election, from the inhabitants of the said town of Columbia; and the said trustees at their first meeting shall appoint, and afterwards annually appoint, a secretary, treasurer, and such other officers as may from time to time, appear to be necessary, who shall be sworn to the faithful discharge of their duty; and the said secretary shall procure books, and keep a fair and faithful record of all the proceedings of the said trustees, which shall at all times be ready for inspection of the said trustees, and also, of the selectmen of the said town of Columbia.

Trustees appointed.

—Incorporated

—Empowered

—to appoint officers.

SECT.

Trustees authorized to sell lands.

SECT. 2. *Be it further enacted,* That the said trustees, be, and they are hereby authorized, to sell and convey the said school lands, and to use their discretion, both as to the time and manner of the sale, and taking security for the payment of the same, and to make, execute, and acknowledge good and sufficient deed or deeds thereof, in fee simple, from the said town, to the purchaser of such lands, which deed or deeds, shall be signed, executed, and acknowledged by the treasurer, in the name, and by the direction of the said trustees, and the conveyance so made, shall be valid and effectual in law; and the monies arising from the sale of the said lands, shall be put out at interest, as soon as conveniently may be, and secured by mortgage on real estate, to the full value of the estate sold, or money loaned, or by two or more sufficient sureties, with the principal; or the said trustees may invest the said school fund, in public securities of this State, or of the United States, or in Bank Stock of the State Bank, as they may judge will be most for the interest and security of the said town, in the use and improvement of their said school fund; and the said fund shall be inviolably appropriated and used for the support of the schools in the said town of Columbia, and no vote of the said town shall have any force or effect, to alienate or alter the appropriation of the said school fund.

Treasurer to give bonds.

SECT. 3. *Be it further enacted,* That the treasurer of the said school fund, shall give bonds to the said trustees, in the sum of three thousand dollars, for the faithful performance of his duty, and to be at all times responsible for the faithful application and expenditure of all monies, which may be deposited with him, conformably to the true intent and meaning of this act, and may be removed for negligence or misconduct in his office; and the said treasurer, and his successors in office, shall be required by the said trustees, to exhibit annually to the said town, a fair and regular account of his doing, of the expenditure of the monies, and the present state of the funds; and the said trustees, treasurer and secretary, shall receive no compensation for their services, out of any monies arising from the said school fund; but such compensation may be made to the said trustees, treasurer and secretary for their services, as the town may from time to time judge reasonable.

Justice authorized to call first meeting.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Washington, is hereby authorized upon application of any three of the trustees herein named, to

to appoint the time and place for the first meeting of the said trustees; and at the said first meeting, the said trustees shall fix and settle the time and mode of calling future meetings, and may also at the same, or at any subsequent meeting, establish such rules and by-laws, for their regular proceedings, as may from time to time appear necessary, and to annex reasonable penalties for the breach thereof: *Provided*, such rules and by-laws, shall in no case be contrary to the constitution and laws of this Commonwealth.

[This act passed March 4, 1808.]

CHAP. XC.

An act to incorporate the proprietors of the Meeting-House of The First Baptist Society in Newburyport.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph O'Brien, Josiah Plummer, and Samuel Newman, and such others as are, or may hereafter be associated and interested with them, be, and they hereby are incorporated and declared a body politic and corporate, by the name of The Proprietors of the Meeting-House of the First Baptist Society in Newburyport, and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may purchase, hold and possess all such real estate under and adjoining to said meeting-house, as may be for the accommodation thereof, to the sole use and benefit of said proprietors and their successors forever, provided the value thereof do not exceed twenty thousand dollars.

SECT. 2. *And be it further enacted*, That the said proprietors qualified to vote in town or parish meetings, shall and may assemble, and meet together in the month of March, annually, in said meeting-house, or at such other place as they may think most convenient, and then and there, (after choosing a moderator, who shall have the same power to regulate and govern said meeting, that a moderator in any town meeting hath) may proceed to choose by ballot or otherwise, as they may think proper, a clerk to enter and record at large all the votes and transactions of said proprietors; and also, to choose a treasurer, assessors, committee and collector, (which committee may be the same with the assessors) to do and transact all matters

ters and things which they by this act are authorized and empowered to do; and the clerk, assessors, and collector, shall be sworn to the faithful discharge of the duties of their respective offices.

Manner of calling meeting.

SECT. 3. *And be it further enacted*, That the annual meeting of said proprietors, to be holden in the month of March as aforesaid, shall be called by the committee of said proprietors, or a major part of said committee, by posting up warnings or notifications, of the time and place of holding said meetings, and expressing in substance all matters and things to be acted upon, seven days, at least, before the time of holding said meeting, at the door of said meeting-house; and all other meetings of said proprietors shall be called in manner as aforesaid, by said committee, who are hereby authorized and empowered to call a meeting of said proprietors when they may think proper, or when thereto requested by three or more of said proprietors.

Committee empowered.

SECT. 4. *And be it further enacted*, That said proprietors, at any legal meeting, may authorize and empower their committee to sell and dispose of any or all the pews in said meeting-house, in such manner, and to such person or persons, as such committee may think proper; and the deed of such committee, authorized as aforesaid, duly executed and acknowledged, and recorded on the town record of said Newburyport, shall be good and sufficient to pass all the title to such pew or pews, and to the ground under and adjoining the same, and all privileges and appurtenances to the same belonging; and such purchaser or purchasers, shall thereupon, on receiving such deed, become a proprietor and proprietors in said meeting-house to all intents and purposes, with all the privileges and advantages, and subject to all the liabilities, for the completion, repairs, and all the interest of and concerning the said house, which the present proprietors have and enjoy, and to which they are subject; and the committee so authorized as aforesaid, shall be accountable to the treasurer of said proprietors for all monies received by them to the use of said proprietors.

Shares liable to be sold in case of delinquency.

SECT. 5. *And be it further enacted*, That the share or shares of such person or persons, who have subscribed and undertaken to defray and support a certain share or shares of the expenses of building and finishing said house, and who have neglected to make their proportionate advances for the same, may be sold at public auction, under such regulations as are hereinafter mentioned; and such purchaser or purchasers of any such share or shares, shall on receiving

ing proper evidence of his title become a proprietor in said house, in as full and ample a manner as those who have fully paid their proportion of said subscription; and before sale of any such delinquent's share or shares, said proprietors shall, at a legal meeting holden for such purpose, pass a vote, instructing their treasurer to notify all such delinquents, proprietors or subscribers, of the amount of such delinquencies, and that said shares will be sold at public auction to pay the same, if they are not paid to said treasurer with costs of notification, twenty days, at least, before the day appointed to sell the same, and such notice shall be by advertising the sale of said shares in some public newspaper printed in Newburyport, three weeks successively, the last publication thereof, to be, at least, ten days before the time appointed for such sale; and the deed of the treasurer for the time being, duly acknowledged and recorded on the town record of said Newburyport, shall pass all the right and interest which such delinquent had in such share or shares to the purchaser thereof, and the overplus, if any there be, after paying such sum or sums as shall be due on such share or shares; and the expenses of sale shall be paid to such delinquent, and such delinquent shall forever thereafter be precluded from all, and all manner of claim whatsoever, against the said corporation for such partial advance as he may have made towards said house.

Sale to be advertised.

SECT. 6. *And be it further enacted,* That the assessors first chosen under this act, shall number, appraise, and value the pews in said meeting-house according to their situation and rank, and make a list of such valuation, and keep the same in the office of the assessors, to be delivered to their successors; and the sums voted from time to time to be laid on the pews, shall be assessed and apportioned thereon by the assessors for the time being according to such valuation until a new valuation shall be voted by said proprietors, and which shall thereupon be made by the assessors for the time being as aforesaid; and said assessors may overlay a sum not to exceed ten per cent. to cover abatements and to avoid fractions; and shall also make a list of all the pews in said house, and the sum assessed on each pew therein, and shall deliver the same, with a warrant in form prescribed by law for collecting town taxes, mutatis mutandis, but no seal shall be necessary, and signed by them, or a major part of them, to their collector to collect the taxes so assessed; and said assessors shall also keep copies of such lists and warrants to deliver them to their successors; and any

Assessors empowered.

any person thinking his assessment too high, may represent the same to the assessors, who are hereby authorized to make such abatement as they may think reasonable.

Collector empowered to sell pews of delinquents.

SECT. 7. *And be it further enacted,* That if the payment of the assessment made by such assessors to the collector of said proprietors, for more than thirty days after notice thereof given by said collector to the owner or owners of such pew or pews, which notice may be by posting up notifications thereof at the door of said house, of which such collector's oath shall be sufficient evidence, then such collector may expose to sale, at public vendue, the pew or pews of such delinquent, after giving notice of such sale, four days, at least, before the time of sale, in any newspaper printed in Newburyport, and after deducting the taxes due thereon, and the charges of notification and sale, shall pay the overplus, if any there be, to such former owner or owners thereof: and the deed of such collector duly acknowledged and recorded on the records of the town of Newburyport, of any pew or pews sold in manner as aforesaid, shall pass to the purchaser thereof, a good and absolute title of the same.

Oath.

SECT. 8. *And be it further enacted,* That the clerk, assessors, and collector of said proprietors, shall before entering on the duties of their respective offices take the following oath, to wit:—You being chosen for the proprietors of the meeting-house of the first Baptist Society in Newburyport, do swear, that you will do and perform all the duties pertaining to that office according to law. So help you God.—Which oath shall be administered to the clerk by the moderator, or by a justice of the peace, immediately on his being chosen, and before the transaction of any further business, which oath being recorded by said clerk, shall be sufficient evidence thereof, and said oath may be administered to the other officers by the clerk, or by a justice of the peace, and be recorded on the records of said proprietors by their clerk.

Manner of calling meeting.

SECT. 9. *And be it further enacted,* That any Justice of the Peace for the county of Essex, is authorized and empowered to call the first meeting of said proprietors, by causing a notification thereof, to be published in the Newburyport Herald two weeks successively, the last publication thereof to be five days, at least, before the time appointed for holding such meeting.

[This act passed March 4, 1808.]

CHAP. XCI.

An act to establish the Hingham and Quincy Bridge and Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Theophilus Cushing, Elisha Doane, Benjamin Lincoln, Nathan Rice, Isaac Winslow, William Vinall, Thomas Thaxter, Abner Lincoln, Jonathan Baxter, junior, Levi Tower, Ebenezer Thayer, Ezra Weston, Ebenezer Gay, Cushing Otis, Thomas Fearing, Jacob Beal, Ephraim Andrews, Caleb Thaxter and Levi Lincoln, jun. together with such others as now are, or shall hereafter be associated with them, their successors and assigns, shall be a corporation, by the name of the Hingham and Quincy Bridge and Turnpike Corporation, for the purpose of laying out, making and keeping in good repair, a turnpike road, from the northerly end of Gould's Lane, so called, in Hingham, and from thence, running as nearly in a straight course as conveniently may be, to Back River, between two places there, called the Lower Sea Fence, and the Narrows; thence passing over said river, and through land of Doctor James Lovell and others, as nearly straight as may be, to Fore river, between two places there, called Ferry Point and Lovell's Point; thence over said river, as nearly straight as may be, to the road at or near Quincy meeting house.

Persons incorporated.

SECT. 2. *And be it further enacted, That* the said proprietors be, and they hereby are authorized and empowered to erect a bridge over said Back river, between the said lower sea fence, and the narrows, so called; and also to erect a bridge over the said Fore river, at a place between Lovell's point and Ferry point, so called; which bridges shall be well built, with durable materials, at least twenty-eight feet wide, and shall have a sufficient railing on each side, for the security of passengers; and the said bridge shall always be kept in good, safe and passable repair: and the said bridges shall have, at a suitable place in each, a drawer or passage-way left, of sufficient width to admit all such vessels as may have occasion to pass through the same; that is to say, *that* in the bridge over Back river, shall not be less than twenty-four feet wide; *that* in the bridge over Fore river, not less than thirty-four feet wide, and piers or wharves connected therewith, constructed in such a manner, and of such lengths, up and down the rivers, as a com-

Empowered to build bridges.

Drawers.

mittee hereinafter appointed for that purpose, shall direct ; the side of which next the drawer, shall be lined with suitable plank, for the convenience and accommodation of vessels, when passing the drawers. And the said drawers shall be constantly attended, and shall at all times, be opened when required, for the passing of vessels, both by day and by night, free from toll : and no wharfage shall be demanded by the said corporation of any of the owners of vessels who shall make fast to said piers, for the purpose of aiding their passage through the said bridges. And the said corporation shall keep four lamps conveniently placed at the drawer of the bridge at Fore river, and two lamps at the drawer of the bridge at Back river, which shall be constantly supplied with oil, and kept lighted during the night, except at such times as when the river is rendered impassable by ice.

Bridges to be lighted.

SECT. 3. *And be it further enacted,* That when the said turnpike road and bridges shall be completed, and they shall be so allowed and approved by a committee hereinafter appointed for the purpose, it shall be lawful for the said corporation to erect a gate at the bridge over Back river, and to demand and receive of each passenger or traveler the following rate of toll, viz. for each foot passenger, one cent ; for each person and horse, three cents ; for each horse and cart or sled, five cents ; for each team, drawn by more than one beast, six cents ; for each horse and chaise, sulkey or sleigh, drawn by one horse, six cents ; for each coach, chariot, phaeton, curricule, or sleigh, drawn by two horses, sixteen cents, and if drawn by more than two horses, twenty cents ; for each man with a wheelbarrow or hand cart, two cents ; for each horse or neat cattle, exclusive of those in teams or rode on, one cent ; for sheep or swine, at the rate of two cents by the dozen. And the said corporation shall be also authorized to erect a gate at the bridge over Fore river, and shall be entitled to demand and receive of each passenger or traveller, the following rate of toll, viz. for each foot passenger, one cent ; for each man and horse, five cents ; for each horse and cart, or sled, six cents ; for each team, drawn by more than one beast, ten cents ; for each horse and chaise, chair, sulkey or sleigh, drawn by one horse, ten cents ; for each coach, chariot, phaeton, curricule or sleigh, drawn by two horses, twenty cents ; and if drawn by more than two horses, twenty-five cents ; for each man and wheelbarrow or hand cart, two cents ; for each horse and neat cattle, exclusive of those in teams or

Toll granted and established.

Rates of

rode

rode on, two cents ; for sheep or swine, at the rate of three cents by the dozen ; and to each team, one person, and no more shall be allowed as a driver, to pass free of toll ; and at all times, when the toll-gatherers shall not attend their duty, the gates shall be left open.

SECT. 4. *And be it further enacted*, That Jonathan Hunknewell, of Boston, Samuel Bass, of Randolph, and Aaron Hobart, of Abington, Esquires, be, and they hereby are authorized and appointed the committee aforesaid, to locate the said turnpike road, appraise the land, and estimate the damages which shall arise to individuals, where the parties cannot agree ; prescribe the kind of piers to be built at the bridges, and also to approve and accept of said turnpike road and bridges when completed : and the said committee are required and directed to make a report of their doings, and file a copy thereof with the clerks of the Courts of General Sessions of the Peace, for the counties of Plymouth and Norfolk. And the expenses which may be incurred, by the employment of the committee aforesaid, or of any other who have rendered, or shall render services to the proprietors, shall be paid by the said corporation. And the said corporation is hereby allowed and authorized to purchase and hold real estate for the accommodation of said road and bridges, to the amount of ten thousand dollars.

Committee appointed.

SECT. 5. *And be it further enacted*, That all necessary powers and privileges, incident to, and usually given to other corporations for building toll bridges, and not specially provided for in this act, shall be held and exercised by this corporation ; and the said corporation shall also have all the powers and privileges, and be subject to all the duties, requirements and penalties prescribed and contained in an act, entitled " An act defining the general powers and duties of turnpike corporations ;" passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

General powers and privileges.

SECT. 6. *And be it further enacted*, That the legislature of this commonwealth shall have full power, at any time within two years, next after the expiration of twenty-five years from the completion of the said bridge, over Fore river, to cause the same to be removed as a common nuisance, if, under all circumstances of the case, they shall deem it necessary so to do.

Bridge may be removed.

SECT. 7. *And be it further enacted*, That if the said corporation shall neglect or refuse for the term of five years

Act void in case to

to build and complete the said bridges and turnpike, then this act shall be null and void.

Premium allow-
ed to vessels pass-
ing through.

SECT. 8. *And be it further enacted*, That the proprietors of said bridges respectively, shall pay to the master of every vessel that shall be loaded, and of more than fifteen tons burthen, that shall pass through said drawers respectively, for the purpose of unloading her cargo, three cents a ton ; for each and every ton said vessel shall measure ; and it shall be lawful at any period after one year from the completion of said bridges, for the proprietors of said bridges, or of any person or persons interested to the amount of two thirds of the navigation owned above the bridges, to make application to the Governor, who, with the advice of council, is hereby authorized upon such application in writing, desiring that a revision of said premium of three cents as aforesaid, may be made, to appoint three impartial men to hear the parties, examine the premises, and increase or diminish said premium of three cents as they shall think just, and their award signed by them, or a major part of them, sealed and certified to the Governor, and by him published, shall be binding upon all parties, and shall be the sum in future to be paid ; and in like manner, and by similar application and process, the same premium may be increased or diminished, at the expiration of every five years successively, during the term aforesaid.

— may be increas-
ed or diminished.

Lands not to be
appropriated
while damages
are sustained.

SECT. 9. *Be it further enacted*, That the said corporation shall not take, use or appropriate any lands for the purpose of making said road, until the damages sustained by the owners of such lands shall be estimated, and sums awarded by the committee, shall be paid or tendered to the owners of such lands, any law to the contrary notwithstanding.

Penalty.

SECT. 10. *Be it further enacted*, That said corporation shall annually, in the month of June, deposit in the secretary's office of this commonwealth, a correct list of the stockholders or proprietors ; and in case the stockholders or proprietors in and of said corporation, or any toll-gatherer or officer by them appointed, shall neglect or refuse to open either of said drawers, or unnecessarily detain any vessel about to pass, said corporation shall forfeit and pay for every such refusal, neglect or detention, a sum not exceeding fifty dollars, nor less than twenty dollars, to be recovered by the owner or owners of such vessels, in any court proper to try the same, by a special action on the case.

[This act passed March 5, 1808.]

CHAP. XCII.

An act authorizing the committee heretofore appointed for that purpose, to make alterations in the laying the road of the Housatonic Turnpike Corporation.

WHEREAS the directors of the Housatonic turnpike corporation, have represented to the legislature, that the laying the road of the said corporation may be altered in some parts thereof, for their benefit, and that of the public :

Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the clerk of the Court of Sessions for the county of Berkshire, be, and he hereby is directed, to deliver to the committee heretofore appointed to lay out the Housatonic turnpike road, the original warrant, with the report of the committee thereon ; and the said committee hereby is authorized and empowered to revise and reconsider the laying of the road of the Housatonic turnpike corporation, and to make therein such alterations as they may deem reasonable ; provided that due notice be previously given, of the time when they will attend, and perform the said business ; and the said committee shall make their report to the Court of Sessions next after they shall have performed the said business ; and the said court shall take the said report into consideration, and do therein as to the said court shall appear right and just ; and if any part or parts of the road already laid shall become unnecessary, such part or parts shall be thereupon discontinued : *Provided notwithstanding*, that nothing in this act shall be construed to authorize the said corporation or committee, to alter the location of said road, at either extremity of the same.

Committee empowered.

Proviso.

[This act passed March 8, 1808.]

CHAP. XCVI.

An act to establish a corporation by the name of the Hudson Turnpike Corporation.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Silas Pepoon, Joseph Whiton, Elisha Brown, Henry Brown, Cyrus Williams and Joseph Woodbridge, together

Persons incorporated.

gether with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Hudson Turnpike Corporation, for the purpose of laying out and making a turnpike road, on the nearest and most convenient route from the bridge at Thayer's mills, in West Stockbridge, in the county of Berkshire, to the west line of this commonwealth, in the same town, near the dwelling houses of Obadiah Ward, Esq. and Amos Woodruff, in the most convenient place to accommodate the public travel; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "An act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

half-toll gate to
be erected.

SECT. 2. *Be it further enacted*, That when the said turnpike road shall be approved by the committee, to be appointed by the Court of Sessions for said county, then said corporation shall be authorized to erect one half-toll gate, in such place on said turnpike road, as the said committee shall direct.

[This act passed *March 8, 1808.*]

CHAP. XCIV.

An act to authorize Joseph F. Swan to build a Toll Bridge at Fryeburg, in the County of Oxford.

Proprietors in-
corporated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph F. Swan, together with those who have or may hereafter associate with him, be, and they are hereby authorized to build and maintain a bridge over Saco river, in the town of Fryeburg, at the place where the bridge formerly was erected, known by the name of Swan's bridge, and for that purpose shall have all the powers and privileges incident to corporations, and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted to final judgment and execution, and to do and suffer all such matters and things as bodies politic may or ought to do and suffer.

SECT. 2. *And be it further enacted*, That the said bridge shall be well built of suitable materials, at least twenty feet
wide,

wide, with sufficient rails on each side, and with planking or boarding three feet high from the floor of said bridge, for the safety of passengers, and the whole shall be kept in good and passable repair; and if the proprietors shall unreasonably neglect to keep the said bridge in good repair as aforesaid, on such neglect being made to appear to the Court of Sessions, for the county of Oxford, it shall be in the power of the said court to prohibit said proprietors from receiving toll from any person or persons passing said bridge until it is put into such repair as is deemed sufficient by the said court. And the proprietors shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said bridge; and shall also be liable to a fine, by the presentment of the grand jury, for such damages, or such want of repairs, as is provided by law in case of deficient highways.

Bridge to be well built.

—to be kept in repair.

SECT. 3. *And be it further enacted*, That for the purpose of reimbursing the proprietors of the aforesaid bridge for the money expended in building the said bridge and keeping the same in repair, a toll is hereby granted and established, for the benefit of the said Joseph F. Swan and his associates, according to the following rates, viz. for each foot passenger, one cent; for each man and horse, three cents; single horse-cart, sled or sleigh, four cents; each team, including cart, sled, sleigh or waggon, drawn by two beasts, six and a quarter cents, and if drawn by more than two beasts, an additional sum of two cents each; each single horse chaise, chair or fulkey, six and a quarter cents; neat cattle or horses, six and a quarter cents per dozen; sheep or swine, four cents per dozen; and to each team, one person and no more shall be allowed as a driver, to pass free from toll; and at all times when the toll-gatherer does not attend his duty, the passenger or carriage may pass free of toll. And the said proprietors shall constantly keep in a conspicuous place and fairly exposed to view, a sign-board, with the rates of all the tollable articles, legibly written thereon.

Toll granted.

Rates of

SECT. 4. *And be it further enacted*, That Timothy Osgood, Esq. or any other justice of the peace, in the county of Oxford, be, and is hereby authorized to call the first meeting of said proprietors, by posting up such notice in two or more public places in the town of Fryeburg, seven days previous to said meeting.

Justice to call first meeting.

SECT.

SECT. 5. *And be it further enacted*, That nothing in this act shall extend to entitle the said proprietors to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship on the Lord's day; or from any person or persons passing on military duty, or in going to, or returning from schools or town meetings; or going to any grist mill and returning home, for the ordinary family purpose of grinding their grain.

SECT. 6. *And be it further enacted*, That if the said Joseph F. Swan and his associates, shall neglect or refuse, for the space of four years to build the said bridge, then this act shall be void, and of no effect.

[This act passed *March 8, 1808.*]

Act void in
case of

CHAP. XCV.

An act in addition to an act, entitled "An act for incorporating certain persons, for the purpose of laying out and making a Turnpike Road from Medford to Charlestown neck, and for supporting the same."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person with a team, carriage, cattle or horses, shall turn out of, or turn into the road of the Medford turnpike corporation with an attempt to avoid any toll established by law, such person shall forfeit and pay three times as much as the legal toll at the turnpike gate, established as aforesaid, to be recovered by the treasurer of the corporation, for the use of said corporation, by an action of debt, or on the case, any thing in the act to which this in addition, to the contrary notwithstanding.

[This act passed *March 8, 1808.*]

CHAP. XCVI.

An act authorizing the disposal of the Parsonage Lands, in the town of Fryeburg, by sale or lease, to raise a Fund for the support of Ministry, and appointing Trustees therefor.

WHEREAS the inhabitants of the town of Fryeburg, in the county of Oxford, have petitioned this court

Preamble.

for

for liberty to sell or lease the parsonage lands in said town, for the purpose of raising a permanent fund for the support of the ministry therein forever :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Simon Frye, Judah Dana, John M-Millan, William Russell, jun. and Samuel Charles, be, and are hereby appointed trustees to sell or lease the same, and to put out at interest the monies arising, or lease the same, in manner hereafter mentioned. Trustees appointed.

SECT. 2. *Be it further enacted,* That the said trustees be, and they hereby are incorporated into a body politic, by the name of the trustees of The Parsonage Fund in the town of Fryeburg ; and they and their successors shall be, and continue a body corporate by that name forever ; and they shall have a common seal, subject to be altered at pleasure, and they may sue and be sued, in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid. —incorporated.

SECT. 3. *Be it further enacted,* That said trustees and their successors, shall and may annually elect a president and clerk, to record the doings of said trustees, and a treasurer, to receive and apply the monies, as shall be hereinafter mentioned. Officers to be chosen.

SECT. 4. *Be it further enacted,* That the number of trustees shall not at any time be more than seven, nor less than five, any three of whom, to constitute a quorum for transacting business, and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise, from the inhabitants of said town, and shall also have power to remove any of their number, who may become incapable and unfit, from age, infirmity or any other cause, of discharging their duty, and to supply the vacancy so made, by a new choice as aforesaid ; and the said trustees shall annually hold a meeting in March or April, and as much oftener as may be found necessary : which meetings, after the first, shall be called in such way and manner, as the trustees shall direct. Vacancies to be filled.

SECT. 5. *Be it further enacted,* That any justice in said county is authorized to fix the time and place of holding the first meeting of said trustees, and to notify each trustee thereof. Justice to fix the time and place for holding first meeting.

SECT. 6. *Be it further enacted,* That said trustees be, and they hereby are authorized to sell and convey in fee simple or lease, for a term of years, all the parsonage lands belonging Trustees empowered.

ing to said town, to make, execute and acknowledge a good and sufficient deed or deeds, lease or leases, which deeds or leases, subscribed by their treasurer, by the direction of said trustees, with their seal thereto affixed, shall be good and effectual in law, to convey and pass the fee simple, or possession for a term of years, from said town to the purchaser or lessee, to all intents and purposes.

APPROPRIATION. *SECT. 7. Be it further enacted,* That the money arising from the sale of said lands, shall be put at interest as soon as may be, and secured by real estate to three times the amount thereof, unless the trustees shall think it proper to vest the same in public funded securities, or bank stock, which they are authorized to do.

Monies to put at interest.

SECT. 8. Be it further enacted, That the interest arising from time to time on such monies, shall be annually put out at interest, and secured in manner aforesaid, unless invested in the funds or bank stock as aforesaid, and also the interest arising from the interest, until a fund shall be accumulated, which shall yield yearly the sum of three hundred dollars.

—applied to the support of a minister.

SECT. 9. Be it further enacted, That as soon as an interest to that amount shall accrue, the trustees shall apply the same to the annual support of the settled minister or ministers in said town; and so long as said town shall remain without a settled minister, the annual interest aforesaid shall be put out at interest, and secured as aforesaid, to increase the said fund, until there be a resettlement of a minister, and it shall never be in the power of said town, to alienate, or in any wise alter the fund aforesaid.

Treasurer to give bond.

SECT. 10. Be it further enacted, That the treasurer of said trustees shall give bond faithfully to perform his duty, and to be at all times responsible for the faithful application of the monies which may come to his hands, according to the true intent of this act.

Officers compensated by the town.

SECT. 11. Be it further enacted, That the trustees or their officers, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid, but, if entitled to any, shall have and receive the same from said town.

To exhibit a statement.

SECT. 12. Be it further enacted, That the said trustees and their successors shall exhibit to the town at their annual meeting, in March or April, a regular statement of their doings.

Responsibility.

SECT. 13. Be it further enacted, That said trustees, and each of them shall be responsible to the town for personal negligence

negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit, to be for the use aforesaid.

[This act passed *March 8, 1808.*]

CHAP. XCVII.

An act declaring the town of Jay, to be a part of the County of Oxford.

WHEREAS doubts have arisen whether the whole of the town of Jay is included in the county of Oxford,
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,
 That from and after the passing of this act, the whole of the town of Jay, shall to all intents and purposes, be a part of the county of Oxford, any law heretofore made to the contrary notwithstanding.

[This act passed *March 8, 1808.*]

CHAP. XCVIII.

An act in addition to an act, entitled, "An act to incorporate a number of the inhabitants of the southeast part of Sturbridge, the southwest part of Charlton, and the west part of Dudley, all in the county of Worcester, into a Parish by the name of The Second Religious Society in the town of Charlton;" passed the twenty-eighth day of February, eighteen hundred and one.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person, who since the twenty eighth day of February, eighteen hundred and one, or who may hereafter own or occupy any of the estates formerly owned or occupied by any of the persons named in the act of incorporation before mentioned, such person with his or her family and estate, shall be considered in all parochial affairs and concernments, and to all legal intents and purposes, the true and lawful successors of the persons and estates of those, who by death, or any other cause, have ceased to occupy such estates, in as full and ample a manner, as if the present

present possessor had been one of the original number incorporated by the said act; and the present or future occupant of such estate, shall exercise and enjoy all the parochial privileges, and be alike subject to all the duties and requisitions of the original possessor: *Provided*, that this act shall extend only to such of the successors and occupants as aforesaid, as already have, or hereafter may join with and become members of said society.

[This act passed March 8, 1808.]

CHAP. XCIX.

An act to incorporate a number of inhabitants residing within the limits of the South Parish of the town of Augusta, in the county of Kennebeck, into a Religious Society, by the name of The Third Religious Society in Augusta.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Whitwell, James Bridge, Joshua Gage, Theophilus Hamlen, H. Weld Fuller, Lot Hamlen, Lewis Hamlen, John Partridge, Samuel Howard, George Crosby, Samuel Titcomb, Thomas Pitts, Jonathan Perkins, Ephraim Dutton, Charles Ranlet, Nathaniel Hamlen, Daniel Ranlet, Shubael Pitts, Thomas W. Smith, Job Randell, jun. Lemuel Crehore, John Davis, William Robinson, William Babcock, Prince Tobey, Stephen Tobey, P. W. Peck, John Soule, Thomas Dickman, James Black, Arthur Lithgow, Pitt Dillingham, Joshua Heath, Daniel Moody, Enoch Rowell, and Daniel Hartford, with their polls and estates, be and hereby are incorporated into a religious society, by the name of The Third Religious Society in Augusta, with all the privileges, powers and immunities, to which Parishes in this commonwealth are by law entitled.

SECT. 2. *Be it further enacted*, That any of the members belonging to the said fourth Parish, or the said third Religious Society, desiring to change their relation from one Parish to the other, shall have full right and liberty so to do, with their polls and estates, at any time previous to the first day of April, which will be in the year one thousand eight hundred and nine, provided they shall signify in writing under their hands to the clerk of said Parish and society, their wish and determination to be considered members

Persons incor-
porated.

Time of becom-
ing members.

bers

bers of said Parish or society, and they shall accordingly be recorded as such, by the said clerks, and provided also, that any of the present members of said Parish, who are by this act incorporated, or any member of said Parish, who may before the said first day of April aforesaid, join the said Religious Society, shall be liable, and their estates shall be held to pay their proportion of all taxes which may be legally assessed for the payment of all debts which have been incurred by the said Parish, and also, their proportion of all arrears which are now due, and of all sums which the said fourth Parish shall raise, within one year from the passing of this act, for the payment of such additional sums as they may deem necessary to completely finish the new meeting-house, in said Parish.

SECT. 3. *Be it further enacted*, That all young persons within the limits of said fourth Parish, when they shall attain the age of twenty-one years, shall have full liberty, at any time within twelve months after they shall attain said age, to join with their polls and estates as aforesaid, the said Parish or society, by signifying in writing their determination, to the clerks of said Parish and society respectively, to which Parish or society it is their wish to join.

Measures necessary to become members.

SECT. 4. *Be it further enacted*, That if any person who may hereafter settle within the limits of said Parish, shall be desirous to join the society aforesaid, he shall have full liberty to do it, any time within twelve months from his settlement in the Parish, by signifying his determination of the same in the manner pointed out in the third section of this act.

SECT. 5. *And be it further enacted*, That any Justice of Peace in the county of Kennebeck, be, and he hereby is authorized to issue his warrant, directed to some member of the said Third Religious Society, requiring him to warn the members of said society, qualified to vote in Parish affairs, to assemble at such convenient and suitable time and place, as shall be expressed in the said warrant, to choose such officers as Parishes are by law required to choose in the month of March or April, annually, and to transact all other matters and things, for the well being of the said society.

Justice to issue warrant.

[This act passed March 8, 1808.]

CHAP. C.

An act to incorporate a Religious Society, by the name of The Antipædobaptist Society, in the town of New-Gloucester.

Persons incorporated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Haskell, Ephraim Stinchfield, Joseph Raynes, James Yellen, Robert Penney, Benjamin Penney, Solomon M'Intire, John Tuffits, Aaron Allen, William Haskell, William Haskell, jun. John M'Guire, William M'Guire, Edmond M'Guire, William Maxwell, John M'Guire, jun. Thomas Ayer, Thomas Ayer, jun. William Gower, Ebenezer Lake, Hugh Potter, Enoch Morse, Joseph Allen, David Harris, William Procter, William Procter, jun. James Merrill, Edmund Merrill, John Calvin Stinchfield, Andrew Twombly, Mark Emery, William Emery, Paul Stanton, John Fernald, Joseph Fernald, Josiah Jordan, Samuel Jordan, jun. Jonathan Ficket, Joseph Kicker, Samuel Jordan, Benjamin Haskell, Benjamin Witham, Richard Trip, Joshua Sanders, and Nathaniel Ford, inhabitants of the towns of New Gloucester, Gray, and Poland, in the county of Cumberland, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of The Antipædobaptist Society in New Gloucester, with all the powers and privileges, to which Parishes are entitled by the constitution and laws of this Commonwealth: *Provided*, that all such persons shall be holden to pay their proportion of all monies already assessed upon them, in the towns aforesaid, for parochial purposes, prior to the passing of this act.

Measures to be taken to become members.

SECT. 2. *Be it further enacted*, That when any person belonging to either of the towns of New-Gloucester, Gray, or Poland aforesaid, who may desire to join with, and become a member of the said Antipædobaptist Society, shall declare such intention in writing to the clerk of the said society, fifteen days, at least, previous to the annual meeting of said society, and shall receive a certificate signed by said clerk that he or she has actually united with, and become a member of said society, and shall also leave an attested copy of such certificate under the hand of the said clerk, with the Parish or society clerk, to which he or she did belong, on or before the last day of April then next ensuing, such person from the date of such certificate, shall be considered a member of the said Antipædobaptist Society.

ciety, with his or her polls and estate, and shall be exempted from all future taxation for the support of public worship, in the Parish or society which such person has left as aforesaid.

SECT. 3. *Be it further enacted,* That when any member of the said Antipædobaptist Society shall desire to leave the same, and to join in religious worship with any other society, in the town in which such person may live, and shall give notice of such intention, to the clerk of such other society, fifteen days, at least, previous to the annual meeting of such society, and shall receive a certificate signed by the clerk thereof, and shall also leave an attested copy of such certificate signed by said clerk, with the clerk of the society, he or she did belong to, on or before the last day of April then next ensuing, such person shall be considered a member of the Parish or society, he or she may so join, with their polls and estates, and shall be exempted from all future taxation for the support of public worship in the society he or she has left as aforesaid.

Members leaving, to give notice.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Cumberland, is hereby authorized upon application in writing of ten or more members of the said Antipædobaptist Society, to issue his warrant directed to some member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as Parishes are authorized by law to choose at their annual meetings, and for such other purposes as may be contained in said warrant.

Justice to issue warrant.

[This act passed *March 8, 1808.*]

CHAP. CL.

An act to incorporate the Congregational Parish in the town of Limington, in the county of York.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the members of the Congregational Society in the town of Limington, be, and hereby are incorporated, by the name of The First Congregational Society in Limington, with all powers and privileges which are exercised and enjoyed by Parishes, according to the constitution and laws of this Commonwealth. And the votes and doings

Members incorporated.

doings of the said Congregational Society, which have been done in town meetings, duly warned and legally held, so far as relates to their parochial business, be, and hereby are confirmed and made valid.

MEMBERS TO OBTAIN A CERTIFICATE. *SECT. 2. Be it further enacted,* That any person in the said town of Limington, who may be desirous of becoming a member of the said first Congregational Society, and shall declare such intention in writing, delivered to the clerk of the town, or to the clerk of the said Parish, fifteen days before the annual meeting, and receive a certificate of membership, signed by the minister or clerk of the said Parish, that he or she has actually become a member of, and united in religious worship with the said First Congregational Society in Limington, such person, from the date of such certificate, with his or her polls and estate, shall be considered as a member of the said Parish.

IN CASE OF SECESSION. *SECT. 3. Be it further enacted,* That when any member of the said first Congregational Society shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, and doth give notice of such intention in writing, to the clerk of the town, or to the minister or clerk of the said first Congregational Society, fifteen days before the annual meeting, and doth produce a certificate of membership, signed by the minister, elder, or clerk, of such other society, such person, with his or her polls and estate, from the date of such certificate, shall be considered as a member of the said society: *Provided however,* that in every case of secession, every such person shall be held to pay his or her proportion of all Parish or society assessments, or other charges, in the society from which such person has seceded, assessed and not paid, previous to leaving such society.

PREVISO. *SECT. 4. Be it further enacted,* That either of the Justices of the Peace, for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said first Congregational society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such officers, as religious societies are by law empowered to choose at their annual parish or society meetings.

JUSTICE TO ISSUE WARRANT.

[This act passed *March 8, 1808.*]

CHAP. CII.

An act to incorporate certain inhabitants in the towns of Bernardston, Greenfield, Gill, and Northfield, by the name of the First Baptist Society in Bernardston.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Aldrich, Israel Bagg, Israel Bagg, jun. Artemas Cushman, John Connebell, Aaron Fox, Eli Fox, William Fox, Ichabod Goland, Gideon Gould, Samuel Green, Woodbridge Green, Samuel Hale, John Harvey, Samuel Hastings, Daniel Hale, Joshua Nickerfon, Reuben Park, Reuben Park, jun. Ebenezer Nightingale, Simeon Park, Levi Park, Elihu Scott, Oliver Sheldon, Moses Smith, Abiel Stevens, William Stevens, Samuel Sykes, jun. Roswell, Warner, Job Woodward, Abner Wright, and Hezekiah Wright, all of Bernardston; Enoch Nickerfon, and Selah Hastings, of Greenfield; Joseph Cary, jun. Ephraim Kenny, and Moses Scott, of Gill; Jonathan Sanders, and Shepard Sanders, of Northfield, with their families and estates, together with such others, as may hereafter associate with them and their successors, be, and they are hereby incorporated by the name of the First Baptist Society in Bernardston, with all the powers and privileges, usually exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

Persons incorporated.

SECT. 2. *Be it further enacted*, That any person belonging to either of the towns aforesaid, who may be desirous to join in religious fellowship with the said Baptist Society, and doth declare such intention in writing to the elder, or clerk of the said society, fifteen days, at least, previous to the annual meeting of the said society, and receive a certificate of membership, signed by the said elder and clerk, that he or she has actually become a member of, and united in religious worship with the said Baptist Society in Bernardston, such person, from the date of such certificate, shall be considered with his or her polls and estate, a member of said society: *Provided however*, that every person so joining said Baptist Society, shall give like notice of his intention to the elder or clerk of the society from which he secedes.

Members to obtain a certificate.

Provido.

SECT. 3. *Be it further enacted*, That when any member of the said Baptist Society, shall see cause to leave the same,

Members leaving, to give notice.

and to unite in religious fellowship with any other religious society, and give notice of such intention to the elder or clerk of the said Baptist Society, and shall also give in his or her name to the minister or clerk of such other society, fifteen days, at least, previous to the annual meeting of the said society, and having received a certificate of membership, signed by the minister and clerk of such society, such person, from the date of such certificate, with his or her polls and estate, shall be considered a member of the said society.

Assessments paid
in case of seces-
sion.

SECT. 4. *Be it further enacted,* That in every case whenever any person shall leave one religious society to join with another in the manner provided for in this act, every such person shall be holden to pay his or her proportion of all assessments, and other pecuniary charges, or expenses assessed and not paid, previous to such secession.

Justice to issue
warrant.

SECT. 5. *And be it further enacted,* That either of the Justices of the Peace for the county of Hampshire, is hereby authorized to issue a warrant directed to some member of the said Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be expressed in said warrant for the choice of such officers, as religious societies are by law empowered to choose at their annual society meetings.

[This act passed *March 8, 1808.*]

CHAP. CIII.

An act to incorporate a number of persons in the town of Portland, as a Religious Society, by the name of The Third Congregational Society in Portland.

Persons incor-
porated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Bailey, Josiah Baker, jun. William Barbour, James Barnes, John P. Bartlett, Davis Belford, Edward Capen, Thomas Chase, Timothy Chase, John Coe, Nathaniel Cross, Nathaniel Davis, John L. Dennett, William Evans, Eustick Evans, Anthony Fernald, William Francis, Joshua Gordon, Nathaniel Gordon, Simon Hale, John Harmon, Solomon Haskell, William Haskell, Crowell Hatch, Josiah Hayden, Bezaleel Howard, Ebenezer Humphrey, John Kimball, George Knight, jun. John Motley, William Moulton, John Noyes, Marius Quincey, Theodore Rand,

Rand, Samuel Richards, Benjamin Richardson, John W. Smith Abiel Somerby, Samuel Starbord, Samuel Sunner, and Thomas Twiner, the petitioners and members of the said religious society, together with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Third Congregational Parish in the town of Portland, with all the privileges, powers and immunities, to which parishes in this commonwealth are entitled by law.

SECT. 2. *Be it further enacted*, That the inhabitants of said parish shall have full power, and they are hereby authorized to tax the pews and seats in said meeting house, or the said pews in part, and the polls and estates of the inhabitants in part, as they may deem proper, to defray the ministerial and other parish charges; whether the pews to be taxed in the whole, or the pews in part, and the polls and estates in part, to be determined by said parish, at their annual meeting in March or April. Pews to be taxed.

SECT. 3. *Be it further enacted*, That for the due apportioning the taxes hereafter to be assessed on said pews and seats, the inhabitants of said parish as often as they shall think proper, shall cause a valuation to be taken of the pews and seats aforesaid, by a committee to be chosen for that purpose; and in case no such committee shall be chosen, the assessors of said parish for the time being, shall, as often as said parish shall direct, take such valuation; in which they shall number, appraise and value the pews and seats in said meeting house respectively, according to their situation and rank, and make a list of such valuation, and keep the same in the office of the assessors, to be delivered to their successors; and the sums voted from time to time, to be laid on the pews and seats aforesaid, shall be assessed and apportioned thereon, by the assessors for the time being, according to such valuation, and until a new valuation shall be voted to be made by such parish. Valuation to be taken.

SECT. 4. *Be it further enacted*, That when the owner or owners, or occupants of any pew or seats in said meeting house shall neglect or refuse to pay the tax or taxes which have been, or hereafter may be assessed on his or their respective pews or seats, the collector or collectors of any such tax or taxes, to whom the same is committed, shall have power, and he is hereby fully authorized to demand and receive said taxes on the pews and seats of and from the owners or occupants thereof; and if payment thereof is neglected to be made for thirty days after notice, and demand Collector empowered.

mand given and made by said collector or collectors, to the owners or occupants, when known, and living in said town, or posted up at the doors of said meeting house, when unknown or not living in said town, of all which such collector's oath shall be admitted as sufficient evidence; such collector shall have power to sell such pew or pews at public sale in said town, to the highest bidder; notice of such intended sale being given four days at least after the expiration of said thirty days, and before the time of sale, by posting up written notifications at the doors of said meeting house, of the time and place of sale, and mentioning therein the pew or pews to be sold, and their numbers. And the said collector shall have power, if he sees fit, to adjourn the said sale or vendue from time to time, not exceeding three times, and not exceeding thirty days from the day first set for the said sale; and to make and execute a deed or deeds of any such pew or pews sold by him as aforesaid; which deed or deeds, with said notifications, being duly recorded in the town clerk's office, shall vest in the purchaser the former owner's interest or estate in such pew or pews, and in the land under and adjoining the said meeting house; and if any overplus remain upon such sale, the same shall be immediately paid to the former owner or owners, after the taxes and all legal charges are deducted.

SECT. 5. *Be it further enacted*, That the collector or collectors of said parish, to whom parish taxes have been, or shall hereafter be committed, with a warrant or warrants for collecting the same, in the form prescribed by law for collecting town taxes, *mutatis mutandis*, shall have the same power to collect such parish taxes on polls and estates, as collectors of town taxes have by law; and shall observe the same directions in collecting and paying over the same, according to their warrants, which town collectors are holden to observe.

SECT. 6. *Be it further enacted*, That the several meetings heretofore held by the members and proprietors of the said meeting house, and the proceedings thereat, for forming the said society, for the purchase of their land, for building their meeting house, and in collecting the subscriptions and voting the assessments therefor, be, and the same are hereby confirmed and made valid and effectual in law.

SECT. 7. *Be it further enacted*, That any justice of the peace for the county of Cumberland is hereby authorized to issue his warrant, directed to some member of said society, requiring him to notify and warn a meeting of the mem-

bers

Parish collectors
empowered alike
with town col-
lectors.

Doings of propri-
etors confirmed.

Justice to issue
a warrant.

bers thereof, qualified to vote in parish affairs, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

[This act passed March 8, 1808.]

CHAP. CIV.

An act in addition to an act, passed in the year of our Lord one thousand seven hundred and forty-one, entitled "An act to enable the Trustees appointed in his Majesty's High Court of Chancery, to purchase Houses or Lands and improve the same, for perpetuating the Charity of the honorable Edward Hopkins, Esq. more effectually to secure the interest of their several tenants, in possession of their Hopkinston and Upton Lands, and the revenue of those lands to the College and Grammar School at Cambridge, according to the true intent of all parties, at the first settlement of that town."

WHEREAS, by the act to which this is in addition, it was required that all deeds and conveyances of said lands should be recorded by a register specially appointed for those lands; and whereas by a misapprehension of said act, certain executions levied on said lands have been recorded by said register, and not recorded in the registry of deeds, for the county of Middlesex, wherein said land lies, as required by law:—*Therefore,*

Preamble. c

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all executions extended upon said lands, which heretofore have been, or before the first day of July next, may be recorded in the registry of deeds and conveyances, kept at said Hopkinston, be, and hereby are confirmed and rendered valid in law, as if the same had been regularly recorded in the registry of deeds, of the county of Middlesex, any law to the contrary notwithstanding.

Executions here
tore recorded
confirmed.

SECT. 2. *Be it further enacted,* That from and after the first day of July next, all deeds, executions or conveyances made of, or extended upon said lands, shall be recorded in the office of the register of deeds, for the county of Middlesex, in the same manner that all other deeds, conveyances and executions, which are extended upon real estate, are recorded; and being so recorded the same shall be held firm

—to be recorded
in future in Mid
dlesex county.

Provido.

firm and valid as if recorded in the registry at Hopkinton : *Provided nevertheless*, and nothing herein contained shall be fo construed as to affect any action commenced before the passing of this act, or to impair any right or title to any lands or tenements already lawfully acquired by any bona fide purchaser or creditor.

[This act passed March 8, 1808.]

CHAP. CV.

An act to establish an Academy at Bridgetown, in the County of Cumberland.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Academy shall be, and hereby is established at Bridgetown, in the county of Cumberland, and that Mr. Samuel Andrews, Mr. Robert Andrews, Mr. Aaron Beman, Stephen Chase, Esq. the Rev. Nathan Church, Mr. David Clark, Doctor Ezra Dean, Samuel Farnsworth, Esq. Mr. Benjamin Kimball, Enoch Perley, Esq. and Mr. Seba Smith, all of said Bridgetown ; the Rev. Daniel Gould, of Bethel, the Rev. Lincoln Ripley, of Waterford, Mr Jonathan Bernard, of _____, and Mr. Nathaniel Burnham, of Harrison, be, and they are hereby appointed the trustees of the said academy, and they and their successors in the said trust, are hereby made and declared to be a body politic and corporate, by the name of the Trustees of Bridgetown Academy ; and the said trustees shall have, hold and continue in perpetual succession, with all the powers and privileges usually given to, and exercised and enjoyed by other academies : but the number of the said trustees, shall not be less than nine, nor more than fifteen, any five of whom may be a quorum for doing business. And the said trustees may keep and use a common seal, which they may alter or change when they see cause ; and all deeds or other instruments, made by the said corporation, shall be signed and sealed with their seal, and executed, delivered and acknowledged by the secretary and treasurer of the said corporation, by order of the trustees, and shall be binding on the said corporation, and shall be good and valid in law.

SECT. 2. *Be it further enacted*, That all the monies, lands or other property already subscribed, or which may be

Trustees appointed.

Common seal.

be hereafter given, assigned, or transferred to the said trustees, for the use of the said Academy, shall be received and held by them, and their successors in office in trust; and the said trustees in the behalf of the said academy, may also receive and hold in fee simple, by gift, grant or otherwise, any lands or other estate, real or personal; *Provided* Proviso. the annual income thereof doth not exceed the sum of five thousand dollars: and the said trustees shall have power to alienate and sell any of such property, and apply the rents or profits thereof, in such way as they may determine will be most productive to the general interest of the said academy, and the promotion of literature. And the said trustees in their corporate capacity, are hereby made capable in law, to sue and be sued, in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Bridgetown Academy.

SECT. 3. *Be it further enacted*, That the said trustees may appoint a secretary, treasurer, and such other officers Officers electe and instructors in the said academy, as they may from time to time judge necessary; and shall have authority to fix the tenure of their respective offices, and to define their several powers and duties; to vacate the place of any trustee, officer or instructor, when in their opinion by reason of age, or any other disqualification, such person has become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said corporation, and the mode of notifying the members, and to prescribe and establish such reasonable statutes and by-laws, as will best promote and cultivate a spirit of obedience, and a just and mild government in the said academy: and to annex reasonable penalties for neglect of duty or breach of the laws; *Provided* Proviso. however, that such statutes and by-laws, shall not in any case be contrary to the constitution and laws of this commonwealth.

And whereas it appears to this court, that the petitioners and subscribers to the said academy, have fulfilled the conditions, in this case required by the legislature, and have raised the sum of four thousand dollars towards the endowment of an academy: Preamble.

SECT. 4. *Be it further enacted*, That there be, and hereby is granted, for the use and benefit of the said academy, Lands granted for its benefit. one half township of six miles square, of any of the unappropriated public lands, in the District of Maine, (excepting the
ten

ten townships on Penobscot river, lately purchased by the commonwealth, of the Penobscot tribe of Indians, and excepting also the land contracted to be sold to Jackson and Flint, which contract is now rescinded,) to be located and assigned, under the direction of the agents, for the sale of eastern lands, subject to the reservations and restrictions made in the like cases, on condition that the said trustees shall, within three years from the passing of this act, produce satisfactory evidence to the said agents, that the sum of three thousand dollars has been actually subscribed, and security taken for the payment thereof, to the satisfaction of the trustees, for the endowment of the said academy, and appropriated to that use; and thereupon, the said trustees, in behalf of the said academy, shall receive of the said agents, in the name of the commonwealth, a deed of the said half township.

Justice to issue
his warrant.

SECT. 5. *Be it further enacted*, That any justice of the peace for the county of Cumberland, is hereby authorized, upon application therefor, to issue a warrant, directed to one of the trustees hereinbefore named, requiring him to notify the said trustees of their first meeting, at such time and place as shall be expressed in said warrant, to organize the said academy, by the appointment of its officers.

[This act passed March 8, 1808.]

CHAP. CVI.

An act to set off Josiah Rockwood from the town of Hopkinton, and to annex him to the town of Upton.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Rockwood with his family, and part of his estate, so as to take his dwelling house into the town of Upton, be, and they are hereby set off from the town of Hopkinton, in the county of Middlesex, and annexed to the town of Upton, in the county of Worcester, by the following lines:—Beginning at a stake and stones on the line between the said towns, on the easterly side of a highway, leading from the town of Hopkinton to Upton, between Hezekiah Rockwood's house, and the said Josiah Rockwood's house; thence north, twenty-one degrees east, forty-five rods, to a stake and stones, bounding on the east side of said road; thence west, thirteen degrees north, one hundred

dred and eighty-eight rods, to a tree and two stumps, known by the name of the three trees, on the line between said Hopkinton and Upton, the west side of a road leading from said Hopkinton and Upton, by Hezekiah Woods'.— And the family of said Josiah Rockwood, hereby annexed to the said town of Upton, shall hereafter be considered inhabitants of the said town of Upton, and shall there exercise and enjoy all their civil rights and privileges, and shall also be subject to their civil duties and requisitions in like manner with the other inhabitants of the said town; and the estate afore described shall hereafter be considered within the limits and constitute a part of said town of Upton: *Provided however*, that the said Josiah Rockwood shall be holden to pay his due proportion of all monies granted, or which may be granted by the said town of Hopkinton prior to the passing of this act; *Provided also*, that any person, having heretofore gained an inhabitancy on the said land, and who may hereafter become a town charge, shall receive his support in and from the said town of Upton; and it is further provided, that the said inhabitants, with the lands hereby annexed to the said town of Upton, shall hereafter be considered as belonging to the county of Worcester; and the line herein before described, shall, so far as relates to this act, be the boundary line between the counties of Middlesex and Worcester.

Provided.

SECT. 2. *Be it further enacted*, That there shall be taken one cent and an half from the town of Hopkinton, in the state valuation, and added to the town of Upton; which shall be the rule for assessing the said towns for the state and county taxes, until there shall be a new state valuation taken.

Assessments.

[This act passed March 8, 1808.]

CHAP. CVII.

An act establishing a corporation by the name of the Proprietors of Union Wharf.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Edward Allen, Ebenezer Putnam, Hannah Hodges, Jonathan Gardner, Jonathan Mason, Benjamin Pickman, and Mary, his wife, in her right, Elizabeth Orne, Jonathan Peele, John Norris, John Gardner, Ebenezer Beck-

Persons incor-
porated.

ford, proprietors and owners of twenty fourth parts of certain lands and tenements, situate in Salem, in the county of Essex, and commonly called Union Wharf, together with such of the proprietors of the residue of said wharf, to wit, Of the heirs of Mary Oliver, Jonathan Archer, Timothy Orne and Joseph Orne, proprietors and owners of the remaining four twenty-fourth parts thereof, as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of Union Wharf; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any courts of record, or in any other place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic ought to do and suffer; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs; and for the breach of such by-laws, ordinances and regulations, may order fines and penalties not exceeding ten dollars for every breach: *Provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Capable to hold
and possess pro-
perty.

SECT. 2. *Be it further enacted*, That the said corporation shall be, and hereby is declared capable to have, hold, and possess, such part of the said lands and tenements as may belong to the said proprietors named in this act, and to the other proprietors aforementioned who may hereafter associate with them, and also any other real estate not exceeding twenty thousand dollars in value, and shall have power to erect sea, or other walls to protect the same; and to erect buildings on any real estate owned by them; and shall have power to grant, sell and alien in fee simple or otherwise, the said corporate property or any part thereof; and to lease, exchange, manage and improve the same according to the will and pleasure of the proprietors or the major part of them, present at any legal meeting, to be expressed by their votes. And the rents, profits and receipts which may accrue from the improvements, leasing or other management of the corporate property aforesaid, may and shall once at least in every year, be divided among the proprietors according to their respective shares.

SECT.

SECT. 3. *Be it further enacted*, That said proprietors may at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding five hundred; and upon the form of certificates to be given to individuals, of the number of shares by them respectively held; and upon the mode and conditions of transferring the same, which shares, shall be held and considered as personal estate, to all intents and purposes whatsoever; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for repairing and erecting walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act, and to sell and dispose of the same, or shares of any delinquent proprietor, for the payment of assessments, in such way and manner, as said corporation may, by their rules and regulations, determine and agree upon: *Provided however*, that the value of buildings, which may be owned by the said corporation at any one time, shall not exceed twenty thousand dollars in value, exclusive of such as may be taken as security for debts.

Number of share
and forms of Cer-
tificates.

Provide.

SECT. 4. *Be it further enacted*, That the property of every individual member of said corporation vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner prescribed by an act, entitled, "An act directing the mode of attachment on mesne process and selling by execution, shares of debtors in incorporated companies;" passed the eighth day of March, in the year of our Lord one thousand eight hundred and five.

—liable to at-
tachment.

SECT. 5. *Be it further enacted*, That Edward Allen, Ebenezer Putnam, and Jonathan Mañon, or any two of them, may call the first meeting, by advertising the same in any one of the public newspapers printed in Salem, at least, three days before the time of meeting, and at that or any other meeting may elect a moderator, treasurer, clerk, secretary, or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, or on any other occasion when it shall be required by a majority, in value, of the members present, the votes shall be given by shares, allowing one vote to each share; *Provided only*, that no member shall have more than ten votes,

Manner of call-
ing meeting.

Choice of offi-
cers.

Provide.

land not to be taken, but by consent.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to give to said proprietors any right or authority to take or appropriate to their use the land, right or privilege of any person or persons without his or their consent, and by a legal conveyance thereof from such person or persons to the said corporation.

proviso,

SECT. 7. *Be it further enacted*, That after the expiration of ten years, the Legislature shall have power to alter, amend, or repeal this act: *Provided however*, that upon such repeal all real estate then belonging to said corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common, in proportion and according to the number of shares which they may then hold: *And provided further*, that the said proprietors notwithstanding such repeal by the Legislature, shall have power in their corporate name and capacity aforesaid, to sue for, recover and divide all sums of money and debts which may then be thereto due and unpaid.

[This act passed March 8, 1808.]

CHAP. CVIII.

An act in addition to, and repealing part of the first section of an act, entitled, "An act for the better regulating of the Indian, Mulatto, and Negro proprietors and inhabitants of the plantation, called Marshpee, in the county of Barnstable, and for other purposes."

board of overseers established, with powers, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a board of overseers shall be established, to consist of three discreet and disinterested persons, one of whom, at least, not to be an inhabitant of the county of Barnstable, to be appointed in the same manner, to have the same powers, to perform the same duties, to be subject to the same rules of proceeding, and to hold their offices by the same tenure as the present overseers now hold, have and are subjected to, by the act to which this an addition; which overseers, shall also be overseers of the Herring-Pond tribe of Indians, living partly in Plymouth, and partly in Sandwich, and have all the powers, and be subject to, and perform all the duties incumbent on the present

sent board of overseers, by a resolve passed the fifth day of June, in the year of our Lord one thousand seven hundred and eighty-nine: And the present board of overseers, and their treasurer, shall, on or before the first day of June next, deliver over to the board of overseers to be appointed by this act, all the monies, funds, obligations, and records, belonging to the said tribe of Marshpee, and the said tribe of Herring-Pond Indians, and take receipts for the same: And the board of overseers to be appointed by this act, are hereby empowered to demand and receive all the property and papers aforesaid, at or before the time aforesaid, and to give them receipts for the same.

Present board
to transfer,

SECT. 2. *Be it further enacted*, That so much of the first section of the act, to which this is an addition, as directs the appointment of a board of five overseers, and of more than one guardian, be, and the same is hereby repealed.

Act partly re-
pealed.

[This act passed March 9, 1808.]

CHAP. CIX.

An act to enable the inhabitants of the North Parish in the town of Andover, in the county of Essex, to sell their parsonage lands.

WHEREAS, the inhabitants of the north parish in Andover, in the county of Essex, have requested that they may be authorized by law, to sell the parsonage lands, the proceeds thereof, to be applied to the raising of a fund for the support of the ministry:

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the said parish, whenever they shall judge proper, by such committee as they may choose and appoint, at any legal meeting to be held for that purpose, be, and they are hereby empowered to sell and dispose of all such lands as were originally granted for the use of the ministry, or now belonging to said parish; and to make and execute a good and sufficient deed or deeds of the same according to law.

Committee em-
powered.

SECT. 2. *And be it further enacted*, That the monies arising from such sale shall be applied to the establishment of a fund, the interest whereof shall be, and hereby is appropriated to the support of the Gospel Minister, who may be

Fund established.

be hereafter elected and settled in said parish, and of his successors, such interest to be received and applied as aforesaid, by the committee who may be chosen for that purpose, by said parish, at their meeting to be held in the month of March or April, annually.

Committee em-
powered to give
deeds.

SECT. 3. *Be it further enacted*, That the inhabitants of said parish, by their committee chosen and appointed as aforesaid, for the sale of their parsonage lands, are hereby authorized, if not sold as aforesaid, to make and duly execute a deed or deeds of exchange, with any person or persons, of any part of said lands for such other real estate as may by said parish be agreed to be taken in exchange therefor, and the said real estate, so received in exchange, shall be taken and holden by said parish in fee simple, for the use and benefit of the minister who may be hereafter elected and settled in said parish, and his successors forever.

[This act passed *March 9, 1808.*]

CHAP. CX.

An act to establish one other place, at which Courts of Probate, shall be holden in the county of Norfolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of April next, there shall be two terms, of the said Court of Probate, holden in the first parish in Wrentham, in each year successively, at such times and places, as the Judge of Probate for said county, for the time being, or his successor in said office, shall direct.

[This act passed *March 9, 1808.*]

CHAP. CXI.

An act to incorporate township number Two, in the second range of townships, on the west side of Kennebeck river, in the county of Kennebeck, into a town by the name of New-Portland.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That township number Two, in the second range, on the west side of Kennebeck river, in the county of Kennebeck,

nebeck, contained with the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of New-Portland, viz.—Beginning at the southwest corner of Emden; thence north six miles, to the south line of the Bingham purchase, so called; thence west six miles and one hundred seventy-six rods; thence south six miles, to the north line of New Vineyard; and thence east six miles and one hundred seventy-six rods, to the first mentioned bounds:—And the said town is hereby vested with all the powers, privileges and immunities, which other towns do or may enjoy by the constitution and laws of this commonwealth.

Boundaries.

SECT. 2. *Be it further enacted*, That any justice of the peace within the county of Kennebeck, may, and he is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of New Portland, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of March or April, annually.

Justice to issue his warrants.

[This act passed *March 9, 1808.*]

CHAP. CXII.

An act in addition to an act, entitled “An act defining the general powers and duties of Turnpike Corporations.”

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall not be lawful for any turnpike corporation hereafter granted without the consent of the owner or owners of any real estate, over which the road granted to such corporation shall pass, to throw open any fences or inclosures upon the same, or remove any buildings, or cut down any trees thereon standing, or make such road, or in any way injure the property of any owner or possessor of such real estate, until the damage done by the passing of such road over said real estate, shall have been first duly ascertained by the committee who may by law be authorized to assess the same; and such damages so ascertained shall have been paid or tendered to the person or persons, entitled to receive the same.

Powers of the corporation restricted;

and damages in case made good

SECT. 2. *Be it further enacted*, That the limitations and restrictions in this act contained, shall extend, and be taken

Extension.

to extend to all turnpike corporations, which have been already granted; in regard to damages done, after the passing of this act, on which by the act of incorporation, a right to limit and restrict their power in this behalf, has been expressly reserved to the legislature: *Provided however*, that nothing in this act contained, shall be construed to prevent any turnpike corporation, their agents or servants from entering on any lands, over which any such road may pass, for the purpose of surveying or laying out the same.

Proviso.

[This act passed March 9, 1808.]

CHAP. CXIII.

An act in further addition to an act, entitled "An act in addition to an act, entitled an act to establish a Corporation by the name of the Becherstown and Greenwich Turnpike Corporation."

Preamble.

WHEREAS it does not appear by the records of said corporation, that Joshua N. Upham, their first clerk, was sworn, as by law he ought to have been, to the faithful discharge of the duties of said office, and doubts are entertained as to the validity of said records: Wherefore,

Records declared valid.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the records of said corporation, made by the said Joshua N. Upham, notwithstanding the premises, be so far declared valid, as that the same may be given in evidence in any court within this commonwealth: *Provided however*, that the rights of no person shall be affected thereby.

Proviso.

And whereas doubts are entertained by reason of the premises, whether the proprietors of said corporation can now hold a legal meeting: wherefore,

Meeting duly authorized.

SECT. 2. *Be it further enacted*, That Henry Dwight, Esq. one of said proprietors, be authorized to call a legal meeting of said proprietors, at such time and place, and for such purposes as he shall appoint, giving previous notice thereof, by publishing the same three weeks successively in the Hampshire Gazette, printed at Northampton; at which meeting the said proprietors may choose all officers, make such by-laws, and pass all such votes, as the interests of the corporation may require, provided the same be not repugnant to the laws and constitution of this commonwealth.

[This act passed March 9, 1808.]

CHAP. CXIV.

An act to establish the Dartmouth and New Bedford Turnpike.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jacob Aikin, Bartlett Allen, Joseph A. Bailey, Stephen Barker, George Barney, Griffin Barney, Gamaliel Bryant, Jonathan Card, Charles Church, Cephas Cushman, jun. James Davis, John Dunbar, Preserved Fish, Caleb Greene, Thomas Green, Joseph Grinnell, Peleg Howland, Cornelius Howland, William Howland, Nathaniel Howland, William James, Manasseh Kempton, Benjamin Killely, Joel Packard, John A. Parker, Edward Pope, Clark Ricketson, Samuel Rodman, William Rodman, William Rotch, William Rotch, jun. Abraham Russell, Reuben Russell, Caleb Russell, jun. Afa Russell, Gilbert Russell, William Russell, Prince Sears, Abraham Shearman, Josiah Small, Barnabas Taber, Daniel Taber, Francis Taber, William Taber, Edward Taylor, David Thacher, Laban Thacher, Daniel Thornton, John Thornton, Stephen West, Isaac Wheldon and Benjamin White, with their associates, successors and assigns, be, and hereby are incorporated for the purpose of making a turnpike road between the towns of Dartmouth and New Bedford; beginning on the old road opposite the west end of the new street in South Bedford, so called, in the line between Caleb Russell's land and Joseph Russell's land; thence west, five degrees south, sixty-two rods on said line; thence south, twenty-six degrees west, about seven hundred and thirty rods, to a stone heap, near the village, in Aponegansett; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties, prescribed and contained in an act, entitled "An act describing the general powers and duties of turnpike corporations;" passed the sixteenth day of March, eighteen hundred and five.

Persons incor-
porated.

SECT. 2. *Be it further enacted,* That the proprietors of the said turnpike, shall be allowed to erect and keep one gate, and shall be entitled to demand and receive the following rates of toll at said gate, viz.—For each coach, chariot, phaeton, or other four wheel carriage, for pleasure or travelling, drawn by two horses, twelve cents; and if drawn by more than two horses, one cent for each additional horse; for each cart or waggon, drawn by two horses or oxen, five

Toll granted.

Rates of

cents ; and if by more, one cent for each additional beast ; for every sled or sleigh, drawn by two horses or oxen, four cents ; and one cent for each additional beast ; for every cart, waggon, truck, sled or sleigh, drawn by one horse only, three cents ; for every curricule, eight cents ; for every chaise, chair, fulkey or other carriage for pleasure, drawn by one horse, six cents ; for every man and horse, two cents ; for all horses, mules or neat cattle, led or driven, not in teams or carriages, one cent each ; and for all sheep or swine, at the rate of two cents by the dozen.

Corporation not to injure property.

SECT. 3. *And be it further enacted,* That said corporation shall not, without the consent of the owner or owners of any land over which said road shall pass, throw open the fences or other enclosures upon the same, or make said road, or in any way injure the property of any owner or owners of such land, until the damages done by the passing of said road through such land, shall have been first ascertained by a committee, who may by law be authorized to assess the same, and such damages so assessed shall have been paid or tendered to the person entitled to receive the same: *Provided however,* that nothing herein contained shall be construed to prevent said corporation, their agents or servants from entering on any land, to survey or lay out the same.

Revised.

[This act passed March 9, 1808.]

CHAP. CXV.

An act to establish the Middleborough and New Bedford Turnpike Corporation.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Hector Orr, Nahum Mitchell, Nathan Mitchell, Noah Fearing, Nathan Lazell, David Kingham, Aaron Hobart, 3d, Jacob Hill, jun. William Young and Silvanus Lazell, together with such persons as have associated or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Middleborough and New Bedford Turnpike Corporation ; for the purpose of laying out, making, and keeping in good repair, a turnpike road ; beginning near the house of Elias Sampson, in Middleborough ; thence through the southerly part of Middleborough, easterly part of Free-town, and eastward of the long pond, to or near the head of

of Accushnet river, in New Bedford ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled " An act defining the general powers and duties of turnpike corporations ;" passed the sixteenth day of March, one thousand eight hundred and five.

SECT. 2. *Be it further enacted,* That said corporation shall not, without the consent of the owner or owners of any land over which said road shall pass, throw open the fences or other enclosures upon the same, or make said road, or in any way or manner injure the property of any owner or owners of such land, until the damages done by the passing of said road through such land shall have first been ascertained by a committee, who may by law be authorized to assess the same, and such damage so assessed, shall have been paid or tendered to the person or persons entitled to receive the same : *Provided however,* that nothing herein contained shall be construed to prevent said corporation, their agents or servants, from entering any land, to survey or lay out the same.

Corporation not to injure property.

Provided.

[This act passed March 9, 1808.]

CHAP. CXVI.

An act in further addition to the act, entitled " An act for incorporating certain persons, for the purpose of laying out and making a Turnpike Road, from Newburyport to Chelsea Bridge ;" passed the eighth day of March, eighteen hundred and three.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Newburyport turnpike corporation, be, and hereby are authorized to erect and establish, in addition to the gates now authorized and established, one whole gate, or two half gates, and shall be allowed to receive the same rates of toll at said whole gate, or two half gates, as said corporation are now authorized to receive at the other gates, as they are now established : *Provided* the said corporation are not allowed to receive any more than four whole tolls on said turnpike road.

Corporation may establish another gate.

Provided.

SECT. 2. *Be it further enacted,* That the directors of the said corporation may, for the prevention of frauds, alter or divide any whole or half gate whenever they shall judge it necessary ;

—may divide their gates.

Provided

necessary: *Provided*, such gates shall not be erected on any public landing or highway; and *provided*, that no more toll shall be taken at the parts of any gate, than would have been demandable, had such gate not been divided; and *provided also*, that such gate or parts of gate, shall be approved by commissioners appointed by the Governor and Council of this Commonwealth, according to the act for establishing the said turnpike.

[This act passed March 9, 1808.]

CHAP. CXVII.

An act to incorporate certain Persons Trustees, to manage a fund for the permanent support of a School in District Number Three, in the town of Blanford, in the county Hampshire.

Preamble

WHEREAS, Jane Taggart, late of Blanford in the county of Hampshire, widow, deceased, by her last Will devised and bequeathed to the inhabitants of school district number Three, in said town of Blanford, a legacy of about one thousand two hundred dollars, to be let out on interest; and the interest thereof to be applied annually for the support of a school within said district; and by the terms of said Will, the executors therein named, are to control said legacy, until the inhabitants of said district shall be authorized according to law, to receive the same into their own hands: And the inhabitants of said district having petitioned the Legislature for an act of incorporation, in order that they may manage said fund, agreeable to the Will of the said Jane Taggart:

Trustees appointed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Ephraim Gibbs, Timothy Blair, Isaac Gibbs, John Wheeler, Samuel C. Gibbs, William Stewart, John Furguson, Benjamin Taggart, Zadock Brown, Levi Gibbs, John Gibbs, Eli Knox, Abner Gibbs, Jesse Bruce, Arba Collier, William Stewart, jun. William Brown, Benjamin Herrington, and John Collister, all of the said town of Blanford, be, and they are hereby appointed trustees to receive and hold the above mentioned legacy, and all other money for the purpose aforesaid, however accruing, to the amount of eight thousand five hundred dollars; and real estate to the amount of five thousand dollars, in trust, for the

the use and benefit of the inhabitants of said district, and the permanent support of a school within the same; and shall constitute a body politic and corporate, to have perpetual succession for the due and faithful management of said trust; and shall be vested with all powers incident to corporations, necessary or requisite for that purpose.

SECT. 2. *Be it further enacted,* That the trustees before mentioned, shall forever hereafter hold a meeting in the said town of Blanford, in the month of April, annually; the time and place of said meeting to be notified by the major part of the trustees, by posting an advertisement thereof, in some public place in said district, seven days, at least, before the time of said meeting: At such meeting, the major part of the trustees present, shall annually choose a treasurer, who shall be an inhabitant of said district, with whom the money, or securities for money, constituting the funds, may be deposited; and who shall, under the control and by the order of the trustees, or the major part of them, receive in, deliver up, or pay out such monies or securities; and the person so chosen, shall give bond, if required, at the discretion of the trustees, for the faithful performance of his duty; and the major part of the trustees present at such meeting are also empowered to choose a clerk annually, who shall be an inhabitant of said district, to keep a record of the doings and proceedings of the trustees: And the trustees are further empowered from time to time, at any of their meetings, called in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation, or removal of any of the trustees out of said district: And no person shall be elected trustee, unless he is an inhabitant of said district.

Manner of calling meeting.

Empowered to choose officers.

SECT. 3. *Be it further enacted,* That the trustees before mentioned, and their successors in office, be, and hereby are invested with sufficient power to receive all subscriptions, grants, appropriations, and donations that may hereafter be made, for the purpose of supporting a school within said district; and to make such by-laws respecting the manner of boarding the teachers of said school, and procuring wood therefor, and such other by-laws, as may be necessary for the well ordering and regulating the affairs of said district; which shall be binding upon all the members of said district, if not incompatible with the laws of the land: *Provided,* the subscriptions, grants, appropriations, and donations in personal estate, when added to the above mentioned fund, shall not exceed the sum of eight thousand

invested with further powers.

Provide.

land

and five hundred dollars, and the real estate above five thousand dollars; and place the money that shall be in their hands as trustees, at interest, on good security, at their discretion; and apply the whole arising therefrom, or any part thereof, to the support of said school; but not in any case, to lessen or make use of any part of the principal.

Empowered to
call meeting.

SECT. 4. *Be it further enacted*, That the trustees, or the major part of them, by notifying as aforesaid, be, and hereby are empowered to call a meeting; and at the request of ten of the inhabitants of said district, shall call a meeting at any time, for the purpose of giving directions relative to the application of the interest of the fund; and at such meeting, the said trustees shall annually lay before the inhabitants of said district, in writing, an account of their proceedings, disbursements and the state of the fund.

[This act passed March 9, 1808.]

CHAP. CXVIII.

An act to incorporate a number of persons, for the purpose of building a Bridge over Connecticut river, between Prindle's Ferry, and Mill Brook, in the town of Northfield, in the county of Hampshire.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elisha Alexander, John Barret, Joseph Belding, Job M. Dickenson, Benoni Dickenson, Adrastus Doolittle, Timothy B. Dutton, Josiah Fisher, Abner Harris, Stephen Harris, Samuel Holten, Ora Holten, Edward Haughton, Arad Hunt, Jonathan Hunt, Elisha Hunt, Joel Jennings, Thomas Mafon, William Pomeroy, Nathan Prindle, Jonathan Swett, Cyrus Washburn, and Ezekiel Webster, together with such others as already have, or may hereafter associate with them, be, and they hereby are incorporated for the purpose of building a bridge over Connecticut river, between Mill Brook and Prindle's Ferry, so called, in Northfield, in the county of Hampshire, and for keeping the same in good repair, and they, their successors and assigns, are hereby made a corporation and body politic, by the name of The Proprietors of Northfield Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all other acts and things,

things, which similar corporations may or ought to do and suffer; and the said corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

SECT. 2. *Be it further enacted*, That for reimbursing to the proprietors of said bridge, their expenses in building and keeping the same in repair, there shall, and hereby is granted, a toll according to the rates following, viz: For each foot passenger, two cents; for each horse and rider, six cents; for each cart, sled, or other carriage of burthen drawn by one beast, six cents; if drawn by two beasts, ten cents; and if drawn by more than two beasts, three cents for each additional beast; for each horse without a rider, and for neat cattle, three cents each; for sheep and swine, one cent each; for each pleasure sleigh, drawn by one horse, eight cents, if drawn by two horses, twelve and an half cents; for each horse and chaise, or fulkey, twelve and an half cents; for each curricule, twenty-five cents; for each coach, chariot, phaeton, or other four wheel carriage, for travelling or pleasure, thirty-three cents; and one person and no more shall be allowed to each team as a driver, to pass free of toll; and all persons, who may have occasion to pass the said bridge on military duty, shall go free from any toll, and the toll shall commence on the day of the first opening of the said bridge; and at the place, where the said toll is received, there shall be erected, and constantly exposed to view, a board, with the rates of toll fairly and legibly written or printed thereon, in large letters: And the said toll shall continue seventy years; and after fifty years from the passing of this act, the legislature shall have a right to regulate the toll receivable at said bridge.

Toll granted.

Rates of

Time limited.

SECT. 3. *Be it further enacted*, That the said bridge shall be built of good and durable materials, at least thirty feet wide, with sufficient rails on each side, and boarded up twelve inches high from the floor of said bridge, for the safety of passengers travelling thereon, and shall always be kept in good repair.

Dimensions and materials of the bridge.

SECT. 4. *Be it further enacted*, That the said corporation, at the time of opening said bridge, shall cause a true and just account of the expenses thereof; and at the end of every three years there afterwards, a just and true account of receipts and disbursements, to be returned into the office of the Secretary of this Commonwealth.

Accounts to be exhibited.

SECT. 5. *Be it further enacted*, That any three of the persons named above, be, and they hereby are empowered

Empowered to appoint meeti

to appoint and notify a meeting of said proprietors, to be holden at some convenient time and place, by publishing the same three weeks successively, in the Hampshire Gazette, and the Republican Spy, printed at Northampton, in said county, the last publication to be at least fourteen days before the day appointed for holding such meeting; and the said proprietors being so assembled, shall proceed to choose by ballot, a clerk, who shall be sworn to the faithful discharge of his duty; a treasurer, who shall also be sworn to the faithful performance of his duty, and a board of directors; and may also establish such by-laws and regulations as may be necessary for the prudent management of their affairs for carrying into effect the purposes of this act, for collecting the toll herein granted, to establish a mode of calling future meetings, to annex reasonable penalties for the breach of the by-laws, not exceeding five dollars: *Provided*, that such by-laws and regulations shall not in any case be repugnant to the constitution and laws of this commonwealth; and provided also, that each share shall be entitled to one vote, but no one proprietor shall be entitled to more than ten votes. And all representations at said meeting shall be in writing, and filed with the clerk of said corporation; and this act, and all rules, regulations and proceedings of said proprietors, shall be fairly and truly recorded by said clerk, in a book or books to be provided and kept for that purpose.

Treasurer, &c.
to be chosen.

Provido.

&c. void in case.

SECT. 6. *Be it further enacted*, That if the said proprietors shall neglect for the space of six years from the passing of this act, to build and erect said bridge, then this act shall be void and of no effect.

[This act passed March 9, 1808.]

CHAP. CXIX.

An act to incorporate Pelatiah Came and others, Proprietors of a Mill Dam on Saco River, in Phillipsburg, in the County of York, for the purposes therein mentioned.

Proprietors in-
corporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Pelatiah Came, Stephen Hopkinson, Samuel Dunn, Nathan Hopkinson and Nathaniel Dunn, with such others as now are, or may hereafter become proprietors of the said mill dam and boom, are hereby constituted and

and made a body politic and corporate, by the name of the Union Falls Mill Dam Proprietors; and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and do and suffer all such matters and things as bodies corporate may or ought to do and suffer. And the said corporation shall have power to keep and use a common seal, and the same to break, alter and renew at pleasure; and may purchase and hold any personal estate, the annual income of which shall not, at any one time exceed two hundred dollars.

SECT. 2. *And be it further enacted*, That the corporation aforesaid, be, and are hereby authorized and empowered to lay and maintain a boom across Saco river, from a place called Cook's Eddy, in Phillipsburg, to pleasant point, in Buxton, for the securing of mill logs, and other timber owned by said proprietors, or such other persons as may be disposed to have the same sawed at the mills aforesaid. And the said corporation shall, from time to time, as soon as such logs and other timber aforesaid, can be conveniently secured for the purposes aforesaid, take care, and cause to be turned through the said boom, all such logs and other timber, coming down the said river, as shall not belong to said proprietors, or others secured, or to be secured for the use of such owners of logs or other timber aforesaid.

Proprietors to lay
and maintain a
boom.

SECT. 3. *And be it further enacted*, That the said corporation shall proceed to call meetings for the purpose of regulating the building or repairing the mill dam and boom aforesaid, in the same way and manner as is provided in the fifth, sixth and seventh sections of the act, entitled "An act for the support and regulation of mills;" passed in the year of our Lord one thousand seven hundred and ninety-six; and shall at any such meeting, choose a clerk, treasurer, and such other officers, as they from time to time shall find necessary, who shall be duly sworn to the faithful discharge of their respective trusts; and also make and establish such rules and regulations, as they from time to time may find necessary to manage the prudential concerns of the said corporation, not repugnant to the constitution and laws of this commonwealth.

—to call meetings

Officers to be
chosen.

SECT. 4. *And be it further enacted*, That the said corporation shall have power to assess and recover reasonable fines and penalties, for any breach or breaches of such rules and regulations, not exceeding fifty dollars. And all applications and representations, made at any meeting of said proprietors, shall be in writing, and signed by the name of

Penalty.

MILL DAM.

the person making the same; which shall be filed with and recorded by the said clerk, in a book or books, to be provided and kept for that purpose.

SECT. 5. *And be it further enacted*, That the said corporation shall be entitled to receive and take of the respective owners of logs and other timber aforesaid, which shall or may be rafted and secured at said boom by any person or persons not a proprietor thereof, the following respective fees or toll, viz.—For each mill log, two cents; for each ton of timber, three cents; for each thousand feet of ranging timber, six cents: *Provided however*, that the fees or toll aforesaid, shall at all times hereafter, be subject to the revision of the legislature.

SECT. 6. *And be it further enacted*, That for the securing and recovering of the respective fees or toll aforesaid, it shall be lawful for the said corporation, by their agent, or other person whom they may appoint for that purpose, to sue for and recover in a due course of law, by an action of debt, or upon the case, all such fees for rafting such logs and other timber aforesaid, when payment shall be refused by the person or persons, subject to pay the same.

SECT. 7. *And be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the said mill dam, or boom, or any of its appendages, or means of using and improving the same, shall be liable to pay such reasonable damages, with costs of suit, as shall be determined in a due course of law; to be sued for and recovered by the said proprietors, in an action of trespass, or on the case.

SECT. 8. *And be it further enacted*, That said corporation and those in their employ, or other person or persons who may have occasion therefor, shall have free liberty to pass and repass on foot, to and from the boom aforesaid, over the lands on the banks of the said river, for the purposes of making, repairing and swinging the said boom, and also for rafting, securing and taking care of the logs and other timber aforesaid; subject however to pay such reasonable sum to the owner or possessor of such land, for damages done to the same, or their appurtenances, as may arise or happen thereto in prosecuting the business, or any part thereof as aforesaid; which damages shall be determined and judged by some disinterested person or persons, mutually chosen by the owner or possessor of the land thus damaged, and the person or persons who may be charged with committing such damage, or the proprietors aforesaid, as

Rates of toll.

Fees recoverable by action of debt.

Penalty.

Corporation privileged.

Conditionally.

the

the case may be ; and in case they cannot agree, such person or persons may be appointed by any disinterested justice of the peace, or by the Court of Sessions for the said county of York, whose determination shall be the measure of such damages. And if the said corporation or their agents, or such other person as shall so be found to have done damages to the land of any person or persons adjoining said river, shall not within one month after said determination, pay or tender to the owner or occupant of such land the full amount of such damage so awarded to be paid, it shall and may be lawful for any person to whose land such damage shall be done, to sue for, and by action of the case to recover in any court proper to try the same, of said corporation, or such other person, as the case may be, the sum awarded as aforesaid, with costs of suit : *Provided*, that said proprietors shall not, nor any person employed in said business, take down or remove any bars or fences belonging to the owner or possessor of said lands, without liberty first obtained of the owner or possessor thereof.

Provided

[This act passed March 9, 1808.]

CHAP. CXX.

An act to incorporate the Proprietors of the Bath Female Academy.

WHEREAS, on the seventh day of June, one thousand eight hundred and five, Captain Christopher Cushing, of Bath, in the county of Lincoln, gave by his deed a certain lot of land for the support of a school, to Peleg Tallman, Caleb Marsh, Laban Loring, Joseph Trott, Joseph Sewall and their associates ; and whereas the said grantees, and others, have associated under said deed, and raised and expended fifteen hundred dollars in erecting suitable buildings on said lot, and have also assessed themselves, and are expending other large sums in supporting schools in said house, and whereas also, said grantees and their associates have petitioned to be incorporated :—*Therefore*,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the above named grantees and their associates, the present proprietors of said house, and their heirs and assigns be incorporated, and they hereby are incorporated, and made a body politic, by the name of the Proprietors

Proprietors incorporated.

tors of the Bath Female Academy ; and in that name may sue, and be sued, and shall be invested with all the powers, privileges and immunities to which other similar corporations in this commonwealth are entitled by law, and shall be capable of purchasing and holding any estate, real or personal ; *Provided*, the clear annual income thereof, shall not at any time exceed the value of two thousand dollars ; that the property in said corporation shall be divided into shares, and said shares shall be considered as personal estate, and be liable to attachment in the same manner, and by the same rules and formalities as turnpike shares are by the laws of this commonwealth, and transfers or sales of shares shall be by deed duly acknowledged, and recorded in the book kept by the clerk of said proprietors.

SECT. 2. *And be it further enacted*, That the proprietors of said academy, be, and they hereby are authorized and empowered to raise by an assessment on the shares in said corporation, such sum or sums of money, for keeping and maintaining a school for the instruction of females, in useful and elegant accomplishments, for purchasing and increasing a library, suitable for such an academy, for supporting and maintaining instructors, repairing and enlarging said building, or erecting others for the purpose aforesaid, and defraying other expenses incident to such an institution, as they shall agree on, at any legal meeting called for that purpose, and the sums so assessed shall be paid by the proprietors of said shares, and if any proprietor shall neglect to pay any assessment which shall be legally made, upon his or her share or shares for the space of thirty days after the same is voted to be paid, the treasurer of said proprietors shall be authorized to sell and convey so many of said delinquent's shares in the corporation as may be necessary to pay the assessments remaining unpaid, at public auction, to the highest bidder, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications thereof, at the post-office, and at one other public place in said Bath, and upon such sale to execute a good and sufficient deed or deeds thereof, and after deducting the amount of said delinquent's assessments, and all incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

SECT. 3. *And be it further enacted*, That Denny M'Cobb, Esq. or any other justice of the peace, for the county of Lincoln, be, and he is hereby empowered to issue his warrant to some member of said corporation, requiring him to warn

the

Empowered.

Assessment.

Assessments not paid.

Justice to issue his warrant.

the members thereof, to meet at some suitable time and place expressed in said warrant, to choose a moderator and a clerk, who shall be duly sworn, a treasurer, and such other officers and committees, as the proprietors shall judge necessary; at which meeting also, or any other, called in a similar manner, said proprietors may agree on the mode of calling future meetings.

[This act passed March 11, 1808.]

CHAP. CXXI.

An act to alter the names of certain persons therein named.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Thomas Harris the third, of Charlestown, in the county of Middlesex, son of Richard Harris, late of Marblehead, deceased, be allowed to take the name of Richard Thomas Harris; that Eliza Loyns Potter, a minor, and son of Job Potter, of Great Barrington, be allowed to take the name of Robert Loyns Potter; that Henry Orne, of Salem, in the county of Essex, and son of William Orne, of said Salem, merchant, be allowed to take the name of Charles Henry Orne; that Richard Derby, of Boston, in the county of Suffolk, son of Elias Hasket Derby, late of Salem, in the county of Essex, deceased, be allowed to take the name of Richard C. Derby; that Prince Tobey, of Augusta, in the county of Kennebeck, son of Stephen Tobey, of the same Augusta, gentleman, be allowed to take the name of Charles Edward Tobey; that Thomas Smith, of Rowley, in the county of Essex, son of Isaac Smith, of the same Rowley, be allowed to take the name of Thomas Hibbert Smith; that Samuel Page, of Salem, in the county of Essex, and son of Samuel Page, of the same Salem, deceased, be allowed to take the name of Samuel Lee Page; that John Gilman, of Winslow, in the county of Kennebeck, be allowed to take the name of John Hancock Gilman; that Andrew Mock, of Boston, in the county of Suffolk, minor, and son of William Mock, late of said Boston, deceased, be allowed to take the name of Andrew Jeremiah Allen; that James King the third, of Salem, in the county of Essex, and son of James King, of said Salem, be allowed to take the name of James Charles King; that James Purinton, late of Topsham, in the county of Lincoln,

Names altered.

Lincoln, but now of the plantation of Little River, tanner, be allowed to take the name of James Woodbury Purinton; that Daniel Hamant, jun. of Medfield, in the county of Norfolk, minor, and son of Daniel Hamant, of said Medfield, be allowed to take the name of Caleb Strong Hamant; that Zachariah Shed, of Boston, in the county of Suffolk, merchant, son of Ebenezer Shed, of Chelmsford, in the county of Middlesex, be allowed to take the name of George Shed; that George Bruce, of Boston, in the county of Suffolk, minor, and son of the late Stephen Bruce, of said Boston, deceased, be allowed to take the name of George Appleton Bruce; that Charles Bruce, of said Boston, minor, and son of said Stephen Bruce, be allowed to take the name of Charles Henry Bruce; that Billey Richardson, of Billerica, in the county of Middlesex, blacksmith, son of Jacob Richardson, late of said Billerica, be allowed to take the name of William Richardson; that Rosel Underwood, of Greenfield, in the county of Hampshire, be allowed to take the name of Rosel U. Deming. And said persons shall, in future, be respectively known and called by the names which they are respectively allowed to take as aforesaid; and the same shall be considered as their only proper names to all intents and purposes.

[This act passed March 11, 1808.]

CHAP. CXXII.

An act in addition to an act, entitled "An act describing the power of Justices of the Peace, in civil actions;" passed the eleventh day of March, seventeen hundred and eighty-four.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all civil actions, wherein the debt or damages does not exceed twenty dollars, (and wherein the title of real estate is not in question,) shall and may be heard, tried, adjudged and determined, by any justice of the peace, within his county, and the justices are severally empowered and required to hear and determine all such actions, in the same form and manner as is required by the act, to which this is in addition.

Justice's power
extended.

SECT. 2. *Be it further enacted,* That no action shall be sustained in any Court of Common Pleas, within this commonwealth,

monwealth, where the damage demanded, does not exceed twenty dollars, unless by appeal from a Justice of the Peace, saving such actions, wherein the title to real estate may be concerned; and if upon any action originally brought before the Court of Common Pleas, judgment shall be recovered for no more than twenty dollars debt or damage; in all such, cases the plaintiff shall be entitled for his costs, to no more than one quarter part of debt or damage so recovered, any law, usage, or custom to the contrary notwithstanding: *Provided nevertheless*, that all actions already commenced, or which may be commenced before the first day of June next, shall be proceeded upon, heard, and determined in the same manner, as they might have been, before the passing of this act, any thing herein to the contrary notwithstanding.

Action sustained by appeal

[This act passed March 12, 1808.]

CHAP. CXXIII.

An act providing for the cession of a certain piece of land in Kittery, called Battery Pasture.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the right and title of this Commonwealth to a certain piece of land in Kittery, in the county of York and commonwealth aforesaid, called Battery Pasture, on which a fortification formerly stood, and is bounded on the north by the road, on the west by Frollet, on the south by the river, and on the east by Follet, and contains one acre and one hundred and thirty-nine rods, as will appear by a report made to the Hon. David Sewall, Esq. agent for this Commonwealth, by Benjamin Parker, surveyor, about the year seventeen hundred and ninety-eight, be, and hereby is granted and ceded to the United States, for the sole purpose of erecting fortifications for the defence of the United States.

Land ceded to U. States.

SECT. 2. *Be it further enacted*, That the cession aforesaid, is granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil and such criminal processes, as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the

Conditionally

the said tract of land, may be executed therein, in the same way and manner, as though this cession had not been made.

[This act passed *March 12, 1808.*]

CHAP. CXXIV.

An act in addition to an act, entitled, "An act providing for the cession of Castle-Island, in the harbour of Boston, to the United States, and for other purposes therein mentioned."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the provisions in the act, to which this act is in addition, relative to the purchase, jurisdiction, and tenure of Governors-Island, in the harbour of Boston, shall be construed to extend, and shall extend to any part or portion of said Island, which may be selected or designated on the part and behalf of the United States, by their proper officers, for the purposes expressed in said act: *Provided however*, that all those parts of said Island, which shall not be taken to the use of the United States within two years from the passing of this act, shall remain free from any claim of the United States, in virtue of the act to which this is in addition.

[This act passed *March 12, 1808.*]

CHAP. CXXV.

An act ceding to the United States of America, the jurisdiction of a part of House-Island, and the extreme end of Spring Point opposite thereto, near the entrance of Portland Harbour.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States of America, the jurisdiction of the south west end of House-Island, near the entrance of Portland harbour, the northeast boundary of which land, is a line commencing at a large brown rock, six rods from high water mark; thence south thirty-seven degrees east five rods across the narrow part of said Island; also, five acres of land situated on the extreme end of Spring-Point, opposite said House-Island,

for

for the purpose of erecting of batteries, and other works for the defence of Portland harbour, which lands shall be laid out, at or before the time of erecting of such public works, and a description thereof in writing, entered in the registry of deeds in the county of Cumberland.

SECT. 2. *Be it further enacted,* That this Commonwealth shall have concurrent jurisdiction with the United States in and over the said lands, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said granted premises, or in any building thereon to be erected, in the same way and manner, as if the jurisdiction had not been granted as aforesaid.

Jurisdiction of the Commonwealth.

[This act passed March 12, 1808.]

CHAP. CXXVI.

An act in addition to the several acts, "for the due regulation of Licensed Houses."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person aggrieved by the neglect or refusal of the selectmen of any town or district within any county, within this Commonwealth, to return the certificate required by law, in order that his license as an innholder or retailer, may be removed; or by their refusing to give their approbation, that such person may be originally licensed to be an innholder or retailer within such town or district, it shall and may be lawful for the Court of Sessions within such county, on application of such aggrieved person, to renew, or originally grant the license prayed for; any law, custom, or usage to the contrary notwithstanding: *Provided always,* that the person applying shall substantially prove to the satisfaction of the said Court, that the selectmen have unreasonably neglected or refused to give their certificate or approbation, required by the second section of "An act for the due regulation of licensed houses," passed February 28, 1787; and that the public good requires the renewal or originally granting the license prayed for: *Provided also,* it shall be the duty of such aggrieved person, to inform the selectmen, or some one of them, refusing as aforesaid, that he shall apply to the Court of Sessions, next to be holden within the same county, for

Remedy for aggrieved innholders.

Proviso.

the renewal or granting of his license ; so that the said selectmen, may if they see fit, appear and shew cause why such person should not be licensed.

Court to grant
license.

SECT. 2. *Be it further enacted,* That any person whose license may have been prevented by the unreasonable neglect or refusal of the selectmen, at the usual term for granting licenses, such neglect or refusal being proved to the Court of Sessions, the said Court may grant license to such person at any other term.

[This act passed *March 12, 1808.*]

CHAP. CXXVII.

An act to incorporate a number of persons in the town of Wiscasset, by the name of The Wiscasset Academical Association.

Preamble.

WHEREAS, a number of persons, in the town of Wiscasset, have associated for the purpose of promoting education, in the higher branches of science, not usually taught in grammar schools, and for this purpose have instituted a fund, which they have divided into forty shares, and have assessed one hundred dollars on each share, which being all paid, or secured to be paid, has produced the intended fund of four thousand dollars, with which they have bought a lot of ground, and have erected a building commodious for their purpose, and have petitioned for an act of incorporation, to enable them to manage their affairs with the more success, with the same powers and privileges, as are given to other institutions of a literary nature :

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abiel Wood, jun. Moses Carlton, Moses Carlton, jun. William Nickels, Thomas Nickels, William M. Boyd, William Bragdon, Hezekiah Packard, Alden Bradford, Zebediah Thayer, William Taylor, Silas Piper, Converse Lilly, Carpenter Winflow, James Hodge, David Otis, Caleb Lord, John Boyonton, John Elliot, Nathaniel Austin, Joshua Danforth, Thomas M'Cray, Ezekiel Cutter, John Anderson, and Samuel Adams, be, and they are hereby declared a corporation by the name of The Wiscasset Academical Association, and as such, may keep and use a common seal, subject to change or alteration, and shall also have power to establish such by-laws and regulations, as may

may from time to time appear necessary, and to annex reasonable penalties for the breach thereof, *provided*, such by-laws, regulations, and penalties, are not inconsistent with the constitution and laws of this commonwealth, with all other powers and privileges, usually granted to similar corporations; and may also sue and be sued, to final judgment and execution, by the name of the Trustees of the Wicasset Academical Association.

SECT. 2. *Be it further enacted*, That the property in the funds and buildings of the said association, shall be divided into forty shares, allowing one vote to each share, which shares, shall be transferable by deed, duly executed and acknowledged, and recorded in a book to be provided and kept by the clerk for that purpose, and shall be subject to attachment, as other property is liable to be attached, for the payment of debts: And the said corporation shall have power to exchange or sell their property, or any part thereof, whenever they may judge it will promote the interest of their institution: *Provided however*, that if the proprietors should sell their present building, or the ground on which it now stands, and do not within one year thereafter vest the proceeds in other land and building of equal value, suitable for the use of an Academy, then this act of incorporation shall be void and of no effect.

Number of shares.

—liable to attachment.

Proviso.

SECT. 3. *Be it further enacted*, That the trustees aforesaid, and their successors, be, and they are hereby made capable in law, to receive and hold in trust, and in the behalf of the said association, to use and improve, any lands, tenements, or other estate, real or personal, which hath already been given or subscribed, or which may hereafter be given or subscribed, or purchased by the said trustees, for the use and purposes aforesaid: *Provided*, that the whole annual income of the said real estate, shall not exceed the sum of one thousand dollars, and the whole annual income of said personal estate shall not exceed the sum of three thousand dollars: And all deeds or other instruments, which the said trustees may lawfully make, shall be signed by their secretary and treasurer, and be sealed with their seal, and being duly executed and acknowledged by the said secretary and treasurer, by order of the trustees, shall bind the said corporation, and shall be good and valid in law.

SECT. 4. *Be it further enacted*, That for the more complete attainment of their object, the affairs of the said association shall be directed by twelve trustees, any seven of whom,

Trustees appointed.

whom,

whom, may be a quorum for doing business, which trustees shall be chosen at the first meeting of the said association, and annually afterwards, and the said trustees, shall also, annually appoint a moderator, secretary, treasurer, instructors, and such other officers, as may from time to time be found needful, for the more prosperous management of their affairs; and shall also have power to remove any trustee or other officer or instructor, who from age, infirmity, or misconduct, may become incapable, or unworthy of holding said office, and to fill up such vacancy, or any other which may happen, by death, resignation, or otherwise, by new appointments.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln, is hereby authorized to issue a warrant directed to one of the persons, named in the first section of this act, requiring him to notify and warn the members of the said association, to meet at such convenient time and place, as shall be expressed in said warrant, to organize the said association, by the appointment of its officers.

[This act passed March 12, 1808.]

CHAP. CXXVIII.

An act for allowing a further time to the Fourteenth Massachusetts Turnpike Corporation to complete their road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of four years from and after the passing of this act, be allowed the Fourteenth Massachusetts Turnpike Corporation, for completing said road; and said corporation shall be entitled to all the privileges which they now have, and be subject to all the duties to which they are now liable; any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed March 12, 1808.]

CHAP. CXXIX.

An act to establish the Providence and Northampton Turnpike Corporation.

S. T. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*,

same, That William Eaton, Ozem Blachfield, Samuel Gurthrie, Stephen Pynchon, Alfred Lyon, Philemon Warren, Abner Morgan, Benjamin Sherinan, Thomas Sherman, Aaron Morgan, William Norcross, Ichabod Blifs, Jesse Hitchcock, Elias Carter, John Moor, Nathaniel Parker, Araunah Charles, Amos Hamilton, Abel Knowlton, Elihu Dwight, Daniel Stebbens, Ifachar Brown, jun. Bartholomew Brown, Thomas Blifs, and Solomon Hoar, together with such others, as already have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of the Providence and Northampton Turnpike Corporation, for the purpose of laying out, making, and keeping in good repair, a turnpike road, from a point in the Providence road, in a line of the state of Connecticut, to the centre of the town of Sturbridge; thence in the best direction to Brimfield and Palmer meeting-houses; thence on the most convenient rout to South-Hadley; and thence in the best direction to Northampton.

Persons incorporated.

SECT. 2. *And be, it further enacted*, That Salem Town, Abner Brown, and Josiah Dwight, Esquires, be, and they hereby are appointed a committee to locate the said road, and to fix and mark the same, in the course before described, at their discretion, and in case there should be any obstructions from buildings or other causes, which may prevent a straight line, the said committee shall in such case, have power to vary the line, so as to avoid such obstructions: *Provided*, that said road shall not be less than four rods wide in any part thereof: And the said committee are hereby empowered to assess such damages, as any individual may sustain, by reason of laying out said road; when the corporation and such individual cannot agree, which damages shall be satisfied, before such inclosure shall be opened by the corporation and laid common, reserving to either party the right of trial by jury, according to the law, which provides for the recovery of damages accruing by the laying out of public highways; and when the said committee shall have completed their business, they shall make return to the next Courts of General Sessions of the Peace, to be holden in the counties of Worcester, and Hampshire, of the courses and distances of said turnpike road, and of the damages assessed in each county, which shall have the same effect, as if the same had been done by the committee appointed by said courts, for the same purposes, the expense

Committee to locate the road.

Damages sustained.

for

for all which services of the said committee shall be paid by the said corporation.

SECT. 3. *And be it further enacted,* That the said corporation shall in other respects have all the powers and privileges, and shall be subject to all the duties, requirements and penalties, prescribed and contained in an act, entitled "An act defining the general powers and duties of turnpike corporations;" passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any act in addition thereto which has already been passed, or which may hereafter be passed.

[This act passed March 12, 1808.]

CHAP. CXXX.

An act to establish the Brookfield and Charlton Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gad Williston, Simeon Draper, William How, with such other persons as may hereafter associate with them and their successors and assigns, shall be a corporation, by the name of the Brookfield and Charlton Turnpike Corporation; for the purpose of making a turnpike road, from the north end of Allum pond, so called, at the end of a certain turnpike road, in the state of Rhode Island, to Philip Brown's, in Oxford south gore; thence by the narrows of the pond, so called, in Dudley, near Mr. Simeon Shepherd's, to the falls of French river, by John Cady and Collins Mower's land; thence as direct as convenient to the centre meeting house in Charlton, and from thence to the south parish meeting house in Brookfield, in as straight a line as the ground will admit: And for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "An act defining the general powers and duties of turnpike corporations;" passed the sixteenth day of March, one thousand eight hundred and five, and any act in addition thereto which has already been passed, or may hereafter be passed.

[This act passed March 12, 1808.]

CHAP. CXXXI.

An act to divide the County of Washington into two Districts, for the purpose of establishing a Registry of Deeds, and to designate the limits of each District.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the county of Washington shall be, and hereby is divided into two districts; and a registry of deeds shall be established in each district; which districts shall be designated and limited by the following described boundaries, viz.—The north district shall be bounded southerly by a line, beginning on the westerly bank of the great Schoodook lake, and running west in the direction of the south line of the grant, located for the Hampden academy, to the east line of the county of Hancock, west, by the easterly line of the said county of Hancock, north, by the province of Quebec, and east, by the province of New Brunswick. And the office for the registry of deeds for the said north district, shall be held and kept in the plantation called Houlton, within and for the said north district. And the south district shall comprehend all the remaining part of the said county of Washington, as heretofore, and the office for the registry of deeds, for the said south district, shall be and remain in the town of Machias, as is already established by law.

County divided,
and registry of
deeds established.

Boundaries.

SECT. 2. *Be it further enacted,* That until the legislature do by law make further provisions, the Governor, with advice of council, is hereby authorized to appoint a register of deeds, for the said north district, who shall be an inhabitant of said north district, and shall dwell and keep his office in the said plantation of Houlton, and give bonds (having the approbation of the Governor and council) to the treasurer of the commonwealth, and shall be duly sworn to the faithful discharge of his trust; and the said register shall have the same qualifications, and be subject to the same disqualifications, perform the same duties, and for his compensation, shall be entitled to receive the same fees as the registers of deeds in other counties or districts in this commonwealth, and in all other respects, shall govern himself by the act, entitled “An act for the more safe keeping of the registry of deeds, and conveyances of lands, and for appointing the time and manner of choosing registers;” passed the seventeenth day of March, seventeen hundred and eighty-four; and shall be further subject to be removed from his office,

Governor to ap-
point a register.

office, by the Governor and council, when they shall see sufficient cause therefor; and in case of any vacancy, either by removal as aforesaid, or by death, such vacancy shall be supplied by a new appointment, as aforesaid, until a register shall be chosen for said north district, agreeably to the provisions of the third section of this act.

Court of Sessions
authorized to issue
precepts.

SECT. 3. *Be it further enacted*, That the selectmen of the first town which may be incorporated in the said north district, shall apply to the Court of Sessions, in the said county of Washington, who shall be, and hereby are authorized to issue precepts to the selectmen of such town to call meetings of the inhabitants, qualified as the law directs, and also to the assessors of plantations, to call meetings of the inhabitants thereof, to choose a register of deeds, for the term of five years, according to the law in this case provided: and the said Court of Sessions, then next to be holden in and for the said county of Washington, shall examine the returns, and declare the election; and if on the first trial no choice shall be made, the said Court of Sessions shall proceed as in the first instance, and so continue the process until an election shall be made: whereupon the office of the register, appointed by the Governor and council, shall cease; and the said register shall deliver the records, deeds and papers, belonging to the office, to his successor.

[This act passed March 12, 1808.]

CHAP. CXXXII.

An act providing for the payment of a part of the State Debt, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the treasurer of this commonwealth, be, and he is hereby directed and empowered to pay, on the first day of July next, one fifth part of the debt due from this commonwealth on notes, issued in conformity to an act passed on the twenty-second day of June, eighteen hundred and three, entitled "An act to provide for the payment of part of the state debt," in addition to the interest which shall then have accrued thereon.

Treasurer em-
powered.

→to issue new
notes.

SECT. 2. *Be it further enacted*, That the treasurer shall issue new notes to the several holders of the notes aforesaid, similar to those issued under the said act, passed the twenty-second

second day of June, eighteen hundred and three, *mutatis mutandis*, for the balance which shall be due to them, after deducting and paying off one fifth part as aforesaid; and the one fifth part of the state debt, as aforesaid, shall cease to bear interest after the first day of July next.

SECT. 3. *Be it further enacted*, That all the money now in the hands of the treasurer, or which may hereafter come into his hands, be appropriated to the purposes aforesaid, excepting such sums as may be necessary for defraying the expenses of government, and such as have been, or may be otherwise appropriated by law. Appropriation.

SECT. 4. *Be it further enacted*, That the treasurer of this commonwealth be, and he is hereby authorized and directed to borrow of the president and directors of the Union or Boston Banks, on the terms reserved in the charters of said bank, any sum not exceeding one hundred thousand dollars, which may be necessary for carrying into effect the purposes of this act, and to repay the sum he may so borrow as soon as money sufficient for that purpose, not otherwise appropriated, shall be received into the treasury. Treasurer authorized to borrow.

[This act passed March 12, 1808.]

CHAP. CXXXIII.

An act in addition to an act, entitled "An act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in said town."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the treasurer and collector of the town of Boston, be, and he hereby is authorized to issue his warrant to the sheriff of the county of Suffolk, his deputy, or to any constable of the town of Boston, directing them to distrain the persons, or property of any person or persons who may be delinquent in the payment of taxes, after the time has expired, that is or may be fixed for payment, by any vote of said town. Which warrants shall be of the same tenor with the warrant prescribed to be issued by selectmen or assessors for the collecting or gathering in of the state rates or assessments, *mutatis mutandis*. And the said officers shall make a return of their warrants, with their doings thereon, to the said treasurer and collector, within thirty days from the date thereof: *Provided however*, that nothing in this act shall prevent the said treasurer and collect Treasurer authorized in case of delinquents.

or, whenever there may be a probability of losing a tax, from distraining the person or property of any individual before the expiration of the time fixed by the votes of said town.

SECT. 2. *Be it further enacted,* That it shall be the duty of said officers to execute all warrants they may receive from said treasurer and collector, pursue the same process in distraining the persons or property of delinquents, as collectors of taxes are now by law authorized to do and perform; and for collecting the sum of money due on said warrant, receive the fees that are allowed by law for levying executions in personal actions: *Provided however,* before the said officers shall serve any warrant, they shall deliver to the delinquent, or leave at his or her usual place of abode, a summons from said treasurer and collector, stating the amount due; and that unless the same is paid within ten days from the time of leaving said summons into the town treasury, with twenty cents for said summons, his or her property will be distrained according to law.

SECT. 3. *Be it further enacted,* That the constables of the town of Boston, in addition to the usual condition of their bonds, shall also be bound to the faithful execution of all warrants committed to them by the treasurer and collector of said town.

[This act passed March 12, 1808.]

CHAP. CXXXIV.

An act in addition to an act, entitled "An act to incorporate a number of the inhabitants of the towns of Pittsfield, Hancock, Dalton and Washington, in the county of Berkshire, into a religious society, by the name of the Methodist Religious Society in Pittsfield, Hancock, Dalton and Washington."

SECT. I. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person belonging to either of the said towns of Pittsfield, Hancock Dalton and Washington, who may at any time hereafter, desire to join with the said Methodist society in Pittsfield, and shall declare such his or her intention in writing, and deliver the same to the clerk of the town, and a copy of the same to the minister or clerk of the parish in which he or she may reside, on or before the first day of March, in the year when such application shall

Duty of civil officers.

Proviso.

Measures to be taken in joining the society.

shall be made, and at the same time produce a certificate of their being united, and having become a member of said society, signed by the minister or clerk and two of the committee of the said Methodist society, such person shall, from and after the date of such declaration, with his or her polls and estate, be considered a member of said society: *Provided however*, that such persons shall be holden to pay his or her proportion of all money legally assessed in said parish to which such person formerly belonged.

SECT. 2. *Be it further enacted*, That whenever any member of said Methodist society, shall see cause to leave the same, and to unite in religious worship with any other religious society in the town in which he or she may reside, and shall declare such their intention in writing, and deliver the same to the minister or clerk, and committee of the said Methodist society, and shall deliver a copy of the same to the clerk of the town, on or before the first day of March, in the year when such person shall apply to be dismissed or discharged from the said Methodist society, and at the same time shall produce a certificate in writing, signed by the minister or clerk, and two of the committee, certifying, that he or she hath actually become a member of said religious society, or hath united in religious worship with said society, in the town where he or she may dwell, such person shall, from and after the date of such declaration, with his or her polls and estate, be considered a member of said society, to which he or she has so united: *Provided however*, that such person shall be holden to pay his or her proportion of all money legally assessed by said Methodist society, while he or she was a member thereof.

Measures to be taken in leaving the society.

[This act passed March 12, 1808.]

CHAP. CXXXV.

An act to incorporate a number of the inhabitants of the town of Falmouth, in the county of Cumberland, as a religious society, by the name of the First Universalist Society in Falmouth.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Adam Barbour, Adam Barbour, jun. Enoch Barbour, Robert Barton, James Buxton, John Camell, Andrew Cushman, John Dole, Nathaniel Hale, Mark Huston, Paul

Persons incorporated.

Paul Hufon, Job Knight, Moses Knight, Amos Knight, Peter Knight, Edmund Knight, Richard Knight, Winflow Knight, Stephen Lowell, Joseph Noyes, Hutchinsson Noyes, Ephraim Sawyer, Afa Sawyer, Thomas Sawyer, Anthony Sawyer, John Waite, Amasa Waite and Ebenezer Waite, with their polls and estates, together with such others as may hereafter join them, in the manner herein provided, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society in Falmouth; with all the powers and privileges which are exercised or enjoyed by other parishes, according to the constitution and laws of this commonwealth.

Members to obtain a certificate.

SECT. 2. *Be it further enacted*, That any person belonging to the said town of Falmouth, who may hereafter desire to join the said Universalist society, shall declare such desire and intention in writing, to the minister or clerk of the said Universalist society, and also deliver a copy of the same to the clerk of the town, or to the minister or clerk of the parish or religious society, where such person formerly attended, fifteen days at least previous to the annual town meeting in March or April; and if such person doth thereupon receive a certificate of membership, signed by the minister, elder, or clerk of the said Universalist society, such person, with his or her polls and estate, from the date of such certificate, shall be considered as a member of said Universalist society: *Provided however*, that such person shall be holden to pay his or her proportion of money for all parochial expences, assessed and not paid previous to leaving any other society.

Proviso.

SECT. 3. *Be it further enacted*, That when any member of the said Universalist society, shall see cause to leave the same, and to unite in religious fellowship with any other religious society in the said town of Falmouth, shall declare such desire and intention in writing to the minister, elder, or clerk of the said Universalist society, and shall likewise deliver a copy of the same to the clerk of the town, or to the minister or clerk of such other religious society, fifteen days at least previous to the annual town meeting, in March or April; and if such person do thereupon receive a certificate of membership, signed by the minister or clerk of such other religious society, such person, from the date of such certificate, (with his or her polls and estate) shall be considered as a member of the society with which he or she has thus united: *Provided however*, that such person shall be holden to pay his or her proportion of monies for all parochial

Members leaving, to give notice.

rochial expences, assessed and not paid previous to leaving one society and uniting with another.

SECT. 4. *Be it further enacted,* That any justice of the peace for the county of Cumberland, is hereby authorized to issue his warrant, directed to a member of the said Universalist society, requiring him to notify and warn the first meeting of the members thereof, to be held at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, and for doing such other business as may then appear necessary, and which religious societies are empowered to do, according to the constitution and laws of this commonwealth.

Justice to issue his warrant.

[This act passed March 12, 1808.]

CHAP. CXXXVI.

An act in addition to acts regulating the storage, safe keeping and transportation of Gun powder, within the town of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no ship or other vessel, on board of which gun powder shall be laden, shall lay at any wharf in the town of Boston, nor within two hundred yards of any wharf within said town.

Vessels with powder to keep at a distance.

SECT. 2. *And be it further enacted,* That when any gun powder shall be landed in the town of Boston from on board any ship or other vessel laying in the harbour of Boston, the same shall be brought to, and landed at Tileston's wharf, and shall be immediately carried from the place of landing, to the public powder house, on Pine Island, in the town of Roxbury, either in boats, or in a waggon or waggons, cart or carts, or other carriage closely covered with leather or canvass, and without any iron on any part thereof, and which shall have been approved by the fire wards of the town of Boston, and marked in capital letters with the words, Approved Powder Carriage. And that when any gun powder shall be intended to be laden on board any ship or other vessel, in the harbour of Boston, the same shall not be brought through any part of the town of Boston by land, unless the same be brought in a waggon, cart, or other carriage, made and approved as aforesaid, nor unless such gun powder be brought to Tileston's wharf aforesaid, and be thence

Method of securing it with safety.

thence carried directly on board the ship or other vessel, on board which the same is to be laden.

Limited quantity
may be kept.

SECT. 3. *And be it further enacted,* That no person or persons, not in public service, or on military duty, shall keep, have or possess in any house, ware-house, shop or other building, nor in any street, lane, alley or passage-way, yard or cellar, nor in any waggon, cart or other carriage, nor on any wharf, nor on board any ship or other vessel, nor in any place within the town of Boston, gun powder in any quantity exceeding five pounds, in any way or manner, otherwise than as by this act is permitted and allowed.

Any larger quan-
tity seized and
forfeited.

SECT. 4. *And be it further enacted,* That all gun powder, which shall be found within the town of Boston, contrary to the provisions of this act, shall be forfeited, and may be seized by any one or more of the fire wards of said town, and shall be libelled according to the provisions of the act passed on the seventh day of March, one thousand eight hundred and four, entitled "An act in addition to the several acts now in force, which respect the transporting, storing and safe keeping of gun powder, in the town of Boston;" and such gun powder shall be forfeited, one moiety thereof to the use of the commonwealth, and the other moiety thereof, to the use of the fire wards of said town of Boston: *Provided always,* that it shall and may be lawful for any person or persons, to keep in his or their house, ware-house or shop, for sale by retail, any quantity of gun powder not exceeding twenty-five pounds in the whole; *provided,* the same be constantly kept in copper, brass or tin canisters, closely covered with copper, brass or tin, and not otherwise.

Proviso.

SECT. 5. *And be it further enacted,* That if any gun powder shall be found within the town of Boston, contrary to the provisions of this act, the owner or owners of such gun powder, or other person or persons in whose possession the same shall be found, besides the forfeiture of the powder, shall forfeit and pay forty cents for each and every pound of such gun powder, one moiety to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons, who shall prosecute and sue for the same; which forfeiture of forty cents as aforesaid, may be recovered by action of the case, in any court proper to try the same.

Penalty.

SECT. 6. *And be it further enacted,* That when any gun powder shall have been seized and libelled as aforesaid, if the owner or owners, or any person or persons who possessed

possessed the same at the time of the seizure thereof, shall appear and dispute the forfeiture, and said gun powder shall be finally decreed and adjudged forfeited, such owner or other person who shall so appear and dispute such forfeiture, shall pay all costs of prosecution, which may arise after such appearance shall have been made, and judgment may be therefor rendered, and a writ of execution issued accordingly.

Owners to pay costs.

SECT. 7. *And be it further enacted,* That every person who shall suffer any injury by the explosion of any gun powder, had, possessed, or being within the town of Boston, contrary to the provisions of this act, may have an action of the case, in any court proper to try the same, against the owner or owners of such gun powder, or against any other person or persons who may have had the possession or custody of such gun powder, at the time of the explosion thereof, to recover reasonable damages for the injury sustained.

Persons injured to recover damages.

SECT. 8. *And be it further enacted,* That it shall and may be lawful for any two or more of the fire wards of the town of Boston, to enter any building, or other place in the town of Boston, to search for gun powder, which they may have reason to suppose to be concealed or kept, contrary to the provisions of this act, first having obtained a search warrant therefor according to law.

Fire wards legally authorized to search for—

SECT. 9. *And be it further enacted,* That an act, entitled, “An act in addition to the several acts now in force, which respect the carting and transporting gun powder through the streets of the town of Boston, and the storage thereof in the same town;” passed the twenty-sixth day of June, in the year seventeen hundred and ninety-two, be, and the same hereby is repealed: And also, that the first, third, and fourth sections of an act, entitled, “An act to provide for the storage and safe-keeping of gun powder, in the town of Boston, and to prevent damage from the same;” passed the nineteenth day of June, in the year one thousand eight hundred and one, be, and the said sections hereby are repealed: *Provided however,* that all actions, suits, processes, and forfeitures already commenced or incurred, shall be commenced and prosecuted according to said laws, the said repeals notwithstanding.

Law repealed.

Proviso

SECT. 10. *Be it further enacted,* That this act shall be in force, from and after the passing thereof; and that it shall be the duty of the fire wards aforesaid, to cause the same

same

same to be immediately published, in two or more of the Boston newspapers, and to continue the publication thereof, six weeks successively.

[This act passed March 12, 1808.]

CHAP. CXXXVII.

An act to incorporate certain persons for the purpose of building a Bridge over Sebasticook river, in the town of Winflow.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled. and by the authority of the same, That Thomas Rice, Nathaniel B. Dingley, John Webster, Lemuel Paine, and Josiah Heyden, jun. together with those who have associated, or hereafter may associate with them, for the same purpose, be, and they are hereby authorized to build a bridge over Sebasticook river, in the said town of Winflow, in the county of Kennebeck, near the mouth of said river, at such place as the selectmen of said town shall locate and establish, in the manner herein after provided; and for the aforesaid purpose, said persons shall be a body politic, by the name of The Proprietors of the Sebasticook Bridge, and by that name, may sue and prosecute, and be sued and prosecuted to final judgment and execution; to keep and use a common seal, and the same to change and renew at their pleasure, and do and suffer all such other acts and things, as like corporate bodies may or ought to do and suffer.

SECT. 2. *Be it further enacted,* That the selectmen of said Winflow, be, and they are hereby authorized and empowered, within three months after the passing of this act, to locate the said bridge across the said Sebasticook river, in the said town of Winflow, at such place as to them may appear most proper for the public interest and convenience, and a return of such location to be signed and certified by said selectmen, into the office of the Register of Deeds in and for said county of Kennebeck, shall be taken and deemed as the valid and legal location of said bridge, in the same way and manner, as if it were specified in this act: *Provided however,* that the said selectmen shall give previous notice to said town of Winflow, and all persons concerned, by causing the time and place, when and where they shall meet for the purpose of establishing said location,

Persons authorized to build a bridge.

—Incorporated.

Selectmen to select a proper place.

Proviso.

location, to be publicly advertised three weeks successively in the Kennebeck Gazette; and also, by posting up notifications at some public place in said town of Winslow, at least, thirty days before the said time.

SECT. 3. *Be it further enacted*, That for reimbursing the proprietors of said Sebasticook bridge, the money expended, and to be expended in building, supporting, and keeping said bridge in repair, a toll be, and hereby is granted, for the sole benefit of the said corporation, according to the rates following, viz: For each foot passenger, one cent; for each horse with one rider, six cents; for each single horse, cart, sled, or sleigh, eight cents; for each wheel-barrow, hand-cart, and every other vehicle capable of carrying a like weight, three cents; for each team, including cart, sled, or sleigh, drawn by more than one beast, and not exceeding four beasts, fifteen cents, and for every additional beast above four, two cents each; for each single horse, chaise, chair or sulkey, twelve and an half cents; for each coach, chariot, phaeton, or other four wheeled carriage, twenty cents; neat cattle, exclusive of those in carriages or teams, two cents each; and in all cases, the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not; and to each team one man and no more, shall be allowed as a driver, to pass free of payment of toll; excepting however, all persons who shall be on military duty, shall be permitted, with their baggage, to pass said bridge free of toll: And at all times when the toll-gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open: And the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue for, and during the term of forty years from the said day, and be collected as shall be prescribed by said corporation: And at each end of the said bridge, there shall be erected, and constantly exposed to public view, a sign, or board, upon which shall be written the rates of toll, and all tollable articles, in large, or capital letters: *Provided*, the said proprietors shall, at all times, keep the said bridge in good and passable repair, and at the end of said term of forty years, the said bridge shall be delivered over, and in good repair, to and for the use of this Commonwealth.

SECT. 4. *Be it further enacted*, That any two of the said proprietors may, by an advertisement in the Kennebeck Gazette, warn and call a meeting of said proprietors, to be holden in Winslow aforesaid, at any suitable time

and place, after fourteen days notice from the date of said advertisement; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be allowed more than five votes,) shall choose a clerk, who shall be sworn to the faithful discharge of his office; also, may at the same, or any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said corporation, and shall agree on a method of calling future meetings; and at the same or any subsequent meeting, may make and establish such rules and regulations, as shall be deemed convenient or necessary for effecting and completing the said bridge, and for regulating the affairs of the said corporation, and for collecting the toll herein granted; and the same rules and regulations may be caused to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding thirteen dollars, *provided* the said rules and regulations, be not repugnant to the constitution and laws of this Commonwealth.

Act void in
case of.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect and refuse, for the space of five years from the passing this act, to build and complete said bridge, then this act shall be void and of no effect: *Provided however*, that the legislature shall have power to regulate the toll established by this act any time within one year after the said bridge shall be completed, any thing in this act to the contrary notwithstanding.

[This act passed March 12, 1808.]

CHAP. CXXXVIII.

An act incorporating the Proprietors of the Norfolk Cotton Manufactory.

reamble.

WHEREAS the promotion of manufactures within this commonwealth, particularly such as are carried on with materials of American production, will increase the welfare and strength of the country, by promoting industry, and rendering us less dependant on foreign countries for articles of necessary consumption; and such manufactures being highly deserving the patronage of this government; and whereas Samuel Lowder, Calvin Whiting, Jonathan Richards, Eliphalet Baker, jun. Reuben Guild, Reuben

ben Richards, William Howe, Pliny Bingham, Calvin Howe, Edward Dowse and Jesse Wheaton, have associated themselves, for the purpose of carrying on the manufacture of Cotton, in its various branches, and other manufactures connected therewith; and have been at considerable expence in taking measures preparatory to the establishment of such manufactures, and have, for those purposes, purchased a mill seat, and privileges connected with and appertaining to it, on Mill Creek, in the town of Dedham, with some land contiguous and near to the same, and have petitioned the legislature to incorporate them, to enable them the more effectually and beneficially to prosecute the business of such manufactory:—*Therefore,*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the aforementioned Samuel Lowder, Calvin Whiting, Jonathan Richards, Eliphalet Baker, jun. Reuben Guild, Reuben Richards, William Howe, Pliny Bingham, Calvin Howe, Edward Dowse and Jesse Wheaton, and their successors, so long as they shall be proprietors in the said manufactory, together with such others as have associated, or may hereafter associate with them, be, and they are hereby incorporated, by the name of the Proprietors of the Norfolk Cotton Manufactory: *Provided nevertheless,* that any person who now is, or hereafter shall be, by virtue of this act, one of said corporation, upon his ceasing to be a proprietor, shall cease to be a member thereof.

Proprietors in
incorporated.

Provido,

SECT. 2. *Be it further enacted,* That said corporation shall be capable in law of suing and being sued by its aforesaid name, and of pleading and being impleaded, defending and being defended in all courts of record, and other places whatsoever; and may do and suffer all acts, matters and things whatsoever, which bodies politic and corporate may or ought to do and suffer; and may have and use a common seal, and the same may alter at pleasure. And in all proceedings of said corporation, the votes of the proprietors shall be taken according to the real interest, or number of shares which they respectively hold in the actual property of said corporation, allowing in all cases one vote to each share; and absent members may vote and be represented by proxy, authorized in writing, by such absent member.

Entitled to pri-
vileges, and sub-
ject to penalties.

SECT. 3. *Be it further enacted,* That the said corporation is hereby made capable of taking, purchasing, possessing and holding to the use of the several members of said corporation, and to their heirs and assigns, in the same proportion

May possess a
hold estate lin-
ed.

tion as they are or may be severally interested as proprietors, real estate to the amount of twenty thousand dollars, exclusive of the value of the mills, and other buildings which may be erected by the said corporation; and personal estate to the value of one hundred thousand dollars; and also of selling, aliening or disposing of the same, or any part thereof.

SECT. 4. *Be it further enacted,* That the property in said corporation shall be, and hereby is divided into fifty shares, which shares shall be numbered in progressive order, beginning at number one; and each person, on becoming a proprietor, shall have a certificate or certificates of his share or shares, under the seal of said corporation, and signed by the treasurer and clerk thereof, as evidence of such proprietor's share or shares; and the said shares shall be deemed to be personal estate; and the shares aforesaid shall be transferable by deed or instrument, signed and sealed by the proprietor transferring, and acknowledged before any justice of the peace, and recorded by the clerk of said corporation, in a book to be kept for that purpose.

SECT. 5. *Be it further enacted,* That said corporation, from time to time, at any legal meeting, may assess upon each share, such sum and sums of money as they shall judge necessary for establishing and carrying on said manufactory, and for the purposes connected therewith; and whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said corporation, to the treasurer thereof, within ten days after the time set for the payment of such tax or assessment, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, one or more, as will be sufficient to pay the tax or assessment or assessments due thereon, and necessary incidental charges, after notifying in one newspaper, printed in the county of Norfolk, if any newspaper shall be there printed; and in the newspaper printed in Boston, by the printers of the General Court, the sum or sums due on such share or shares, and the time and place of sale; which notice shall be given and published, at least ten days previous to the time of sale; and such sale shall be a sufficient and valid transfer of the share or shares so sold to the person purchasing and paying for the same; and the treasurer shall give a certificate under his hand, containing the number of the share or shares so sold, and the name of the purchaser, and the amount such share or shares sold for, to the clerk

of

property divided
to shares.

subject to assess-
ment.

delinquent shares
to be sold.

of said corporation ; which certificate shall, by the clerk, be entered on the books of said corporation, kept for recording the transfer of shares ; and the purchaser shall be deemed and considered to all intents and purposes, the proprietor of the share or shares by him purchased and paid for, as aforesaid ; and the treasurer, after deducting the amount of the tax or assessment due on the share or shares of any delinquent proprietor, sold as aforesaid, together with the charges and expenses of the sale, shall pay the overplus or residue, if any shall remain, to the delinquent proprietor, or his written order, upon demand made on the treasurer for that purpose.

SECT. 6. *Be it further enacted*, That said corporation shall have power, from time to time, at any legal meeting, to choose a clerk, who shall be sworn to the faithful performance of his duty ; a treasurer, who shall give bond to said corporation, in such amount and manner as may be agreed upon by said corporation, conditioned for the faithful appropriation of the funds of the corporation, which may come to his hands ; and may also choose and appoint such other officers, agents, factors and directors, as to the said corporation may appear necessary or convenient for the regulation and government of the same, and for the effectuating the purposes of said manufactory ; and may also establish the tenures, duties and compensations of the said clerk, treasurer, officers, agents, factors and directors, and may make such rules and by-laws as may appear necessary, and the same to repeal at pleasure ; and to fix penalties for the breach thereof : *Provided* such penalties shall not exceed ten dollars for any one breach ; and *Provided also*, that the rules and by-laws to be made by said corporation, shall not be repugnant to the constitution and laws of this commonwealth.

Officers to be chosen.

Proviso.

SECT. 7. *Be it further enacted*, That the share or shares of any member of said corporation, shall be liable to attachment on mesne process, and to be taken on execution, as provided by a law of this commonwealth, passed the eighth day of March, Anno Domini, one thousand eight hundred and five, directing the mode of attachment on mesne process, and selling by execution shares of debtors in incorporated companies.

Shares liable to attachment.

SECT. 8. *Be it further enacted*, That this act shall be deemed and considered a public act, so far, that the same may be given in evidence in any court of record, under any general or other issue, without being specially pleaded :

Act may be given in evidence.

Provided

Proviso.

Provided always, that the legislature may from time to time, hereafter, upon due notice to said corporation, make such further provisions and regulations for the management of the business of said corporation, and the government thereof, or wholly to repeal this act, as shall be deemed expedient.

[This act passed *March 12, 1808.*]

CHAP. CXXXIX.

An act regulating the selections, the empannelling, and the services of grand, traverse and petit Jurors, and repealing such laws, or clauses of laws, touching these subjects, so far as they are provided for by this act.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the selectmen of each town in this Commonwealth, shall provide, and at all times cause to be kept in their respective towns, two jury boxes, and shall before the first day of May next, and once at least in every three years afterwards, prepare a list of such persons, under the age of seventy years, in their respective towns, as they shall judge well qualified to serve as jurors, being persons of good moral character, and qualified as the constitution directs, to vote in the choice of Representatives, excepting the Governor, Lieutenant Governor, Counsellors, Judges, and Clerks of the common law Courts, Secretary and Treasurer of the Commonwealth, Loan Officer, and Revenue Officers, Judges of Probate, Registers of Probate, Registers of Deeds, settled Ministers, Officers of any College, Preceptors of Academies, Sheriffs, and their Deputies, Marshals and their Deputies, Counsellors and Attornies at Law, Justices and Clerks of the Courts of Sessions, Physicians, Surgeons, Criers of the Courts, Constables and constant Ferrymen; and from the persons whose names shall be borne on the abovementioned list, the Selectmen shall prepare another list, to consist of one quarter part of those persons contained in the first, and who shall be the best qualified to serve as grand jurors at the Court of Common Pleas, and grand jurors and jurors for trials at the Supreme Judicial Court, which last set shall be called traverse jurors; and the selectmen shall also make a third list, to consist of one half of the remaining part of the first list, and

Jury boxes to be kept by selectmen.

Persons qualified to serve as jurors.

—except from serving as jurors

Second list.

and to include such persons as shall be best qualified to serve as petit jurors, at the Court of Common Pleas, and having written the names of the persons composing the second and third lists aforesaid, on separate pieces of paper, to be called tickets, the selectmen shall place the tickets having the names contained on the second list, in one box, to be called the general and traverse jury box, and the tickets having the names contained on the third list, in the other box, to be called the petit jury box, and shall then lay the whole of their doings before the town for a revision, who shall confirm or make such alterations in either of the said three lists as they may judge proper, always conforming the respective lists and boxes to the alterations, should any be made; and the persons whose names shall be thus placed and continued in these boxes, shall be liable to be drawn to serve on one of the the juries aforesaid, once in every three years, and not oftener; the said lists to be preserved in the possession of the selectmen, and the boxes in the custody of the town clerk.

Third list.

Method of placing the tickets.

Town to confirm or alter.

Jurors may serve once in three years.

SECT. 2. *Be it further enacted*, That if any person whose name shall be in either of the boxes aforesaid, shall be convicted of any scandalous crime, or be guilty of any gross immorality, his name shall be withdrawn from the box, by the selectmen.

Persons not admitted to serve.

SECT. 3. *Be it further enacted*, That the Courts of Sessions in the several counties, excepting the counties of Suffolk, Dukes County, and Nantucket, shall previously to the first day of June next, and forever afterwards within one year next after every new census, and as much oftener as any considerable change in the state of population shall render useful and necessary, divide their respective counties into at least four jury districts, and more, if it shall be found in practice convenient, not exceeding twelve, each to contain so many adjoining towns as shall make the number of inhabitants in each division as nearly equal, according to the last census for the time being, as may be, without dividing a town; and such jury districts shall be numbered and distinguished numerically; and the said Courts of Sessions shall cause copies of such divisions to be delivered to the clerks of the respective Courts at which the course of trials is or may be by juries, who shall issue their venire facias, in due form, directed to the respective constables of as many towns in one such jury district, and for as many jurors as shall be as near as may be in proportion to the number of jurors sent for in the other districts.

Court of Sessions to divide counties into districts.

tricts, to serve at the same court, always collecting the grand, traverse, and petit jurors, so far as shall be practical and convenient as uniformly from all parts of the county, as the situation of towns, the number of their inhabitants, and a practical rotation and equalization of the service of jurors will permit; never taking more than two grand, and two traverse or petit jurors from the same town, to serve at the same court, unless from necessity, some extraordinary occasion, or to equalize their services on the principles aforesaid.

SECT. 4. And be it further enacted, That the grand jurors, who shall be returned to serve at the Court of Common Pleas, shall serve at every term of said court, which shall be held throughout the year, and until another jury shall be empannelled in their stead, except the county of Bristol, where they shall be required to serve twice in each year, at such times as the Court of Common Pleas for that county may direct. And venirens for such a jury, shall be issued forty days, at least, before the first day of March annually. And the sheriff of each county, so soon as he shall receive the venirens for jurors, from the clerk of either court, shall without any delay, forward the same to the constables of the towns to whom they shall be directed; and the constables of their respective towns, on the reception thereof, shall, in the usual form, notify the freeholders and other inhabitants, in their towns, qualified to vote in the election of Representatives, and particularly the selectmen and town clerk, to assemble and be present at the drafts and selection of the jurors called for; which meeting shall be held at least, six days, and not more than twenty days, before the setting of the court to which the venire shall be returnable.

Grand jurors
time of service.

Duty of Sheriffs,
and constables.

SECT. 5. And be it further enacted, That when any town shall be duly assembled, in pursuance of a venire facias, for the purpose aforesaid, the town clerk, or in his absence, one of the selectmen shall carry into the meeting the box containing the names of those persons who have been selected to serve as jurymen, at the court from which the venire issued; which box shall be unlocked, in the meeting, and the tickets mixed by the major part of the selectmen, who are to be present; and one of the selectmen shall draw out as many tickets as there shall be jurors required by venire. The persons whose names shall be thus drawn, shall be returned to serve as jurors, unless from sickness, absence beyond sea, without the limits or in different parts

Manner of selecting jurymen.

of

of the Commonwealth, they shall be considered by the town as unable to attend the court for which they had been drafted; or had served on a jury within three years from that day. In either of these cases, or in case of a coroner's being drawn, at a time when the duties of a sheriff shall be devolved on him, by reason of a vacancy in that office, the persons' names being returned into the box, others shall be drawn in their stead: But any person being thus excused, or who shall be returned, and shall not appear at court, or appearing, shall be there excused, shall not be considered as serving, or be excused on another draft, should it happen within the term of three years, the minute on his ticket, notwithstanding.

SECT. 6. *And be it further enacted,* That the selectmen who shall draw from the box the ticket of any persons to serve as a juror, and who shall not be excused by the town, for either of the causes aforesaid, shall endorse thereon the date of the draft, and then return the same into the box; and it shall be the duty of the constable to notify the persons thus designated to serve as jurors, four days, at least, before the sitting of the court, on which they are to attend, either by reading to them the venire, with the minutes of their having been drafted as aforesaid, thereon; or by leaving at their usual abode, a written notification of their having been so drawn, and also, of the time and place of the sitting of the court, and when they are to attend. And he shall make a seasonable return of the venire to the court to which it is returnable, with his doing thereon. And whenever there shall be a renewal, or an exchange of any of the tickets in either of the boxes, for others, of the same persons, the selectmen shall transfer from the back of the old tickets, to the new ones, the minutes of such drafts as had been made within the three preceding years.

Constables to
notify

—and make re-
turn.

SECT. 7. *And be it further enacted,* That when by a deficiency of either of the grand, traverse, or petit jurors of any court, it cannot conveniently proceed in its business, it may cause writs of venire facias, for the drawing and returning so many jurors as shall be deemed necessary, to be forthwith issued, and directed to the constables of such towns in the county as the court, under the existing circumstances, shall judge most proper; conforming, as far as the business of the court will permit, to the principles, by which under this act jurors are to be selected, and their services equalized: And the jurors so drawn, shall be notified by the con-

Writs of venire
issued in case of
deficiency.

stables to attend on the court immediately : And when from challenges, or otherwise, there shall not be a jury to determine any civil or criminal cause, which may be called on for trial, the sheriff or his deputy, or, in case of an interest of relationship in him, to a party in the suit, a coroner, or such other disinterested person as the court shall appoint, shall, by order of the court, return jurymen de talibus circumstantibus, sufficient to complete the pannel : *Provided*, no person shall be considered as competent to be returned, whose name shall not, to the satisfaction of the court, appear to be contained in one of three lists aforesaid, unless the parties consent ; and also provided that there shall be seven, at least, on the pannel, of the jurors returned by the venire.

Provido.

Either party
equally entitled.

Provido.

SECT. 8. *And be it further enacted*, That in all cases relating to real estates, either party may have a jury to view the place in question, if the court shall be of opinion that such view is necessary to a just decision : *Provided*, the party moving therefor, shall advance such a reasonable sum to the jury, as the court shall order to be taxed against the adverse party in the event of a decision of the cause against him, on its merits, or through the default of the adverse party.

SECT. 9. *Be it further enacted*, That the justices of the respective courts aforesaid, shall, on motion from either party, in a suit, put any juror upon oath, whether he is any way related to either party, or hath formed or given any opinion, or is sensible of any particular interest or prejudice in the cause ; and if, thereupon, it shall appear to the court, that such juror does not stand indifferent in the cause, another juror shall be called or returned, and be placed, for the trial of that cause, in his stead.

Names of jurors
alphabetically
arranged.

SECT. 10. *And be it further enacted*, That from the return on the venires, the clerk of each court shall prepare, or have prepared, at the opening of every court, separate alphabetical lists of the names of the persons who shall be returned as grand, traverse, or as petit jurors, respectively. And each court, in empannelling the grand jury, shall cause the two persons who shall stand first on the grand jury lists to be called and sworn, and after them the others, in succession, as they shall be named in said list, and in such divisions as has been usual, or as by the court may be deemed proper. And it shall be the duty of the grand jury, who shall be thus sworn, empannelled and instructed by the charge from the court, so soon as they shall retire
for

for the purpose of discharging the duties of their office, first to elect by ballot their foreman, and to notify the court, by the officer who shall be appointed to attend on them, of the person who shall have been thus elected, and who shall be thereupon foreman of the jury, for the then existing term, and as such, be recorded by the clerk accordingly. But in case of the absence of such foreman by sickness, or any other cause, it shall become necessary, during the same session of the jury, to appoint another foreman, they shall proceed in a similar manner to elect, and to announce to the court the choice of another foreman in his stead. And the foreman of each grand jury, in the presence of the Attorney General, Solicitor General, or County Attorney, shall have power to swear any witness to testify before such grand jury, and it shall be his duty to return to the court which empannelled them, a list of all witnesses so sworn, before said grand jury be discharged from their attendance upon the said court; which list shall be filed and entered on record by the clerk thereof.

Jury to elect their own foreman.

Foreman empowered to swear witnesses.

SECT. 11. *And be it further enacted,* That the respective courts in empannelling the traverse and petit jurors, shall cause the names of the two first persons which shall stand on the list of jurors of trials respectively, to be called, who shall be first sworn, and then the others in succession, as they shall be named in the said list; and in such divisions as has been usual, or as the court may deem proper. And the first twelve persons, thus empannelled, shall be the jury; and when there shall have been venires, and returns for two juries, shall be called the first jury; and the next on said list being called and sworn as aforesaid, to the number of twelve, shall form the second jury: *Provided,* and in case of the courts excusing for cause, any person of either of said juries, and there being any supernumeraries, the vacancy shall be supplied, and the pannels be filled and completed, on the above mentioned principles, in the same manner as if the person excused, had not been named in the jury list: *And provided also,* in case of supernumeraries, on request, the court may excuse individuals of either pannel, who may not have sufficient reasons to exempt them from serving, so far as their places can be supplied, by the supernumeraries, and by their consent. And the juries, being thus empannelled, shall, respectively, either retire and choose by ballot their respective foremen, or shall make such a choice on their retiring with the first cause

Manner of empannelling the jury.

Proviso.

Individuals excused in case.

cause with which they shall be charged, as may best accommodate the arrangements and business of the court, of which choice, the court shall be notified, on the jury's return.

SECT. 12. *And be it further enacted,* That if at any time, from the existing state of the country, the nature or quantum of the business pending, or from any other cause, the courts respectively shall be of opinion that it will be a hardship on one set of traverse, or petit jurors, to serve the whole of the term, and that it would best meet the interest of the public, and of individuals, to have a second set of jurors to serve a part of the term, it shall be in the discretion of the court to direct their clerk, when they shall issue their venires to the constables, in manner before directed, for the usual number of jurors, to require in the same venire, that a second draft of an additional number, equal to the first number, shall be made, which shall be called provisional jurors, and shall form the second set, if, and so far as they should be needed, and be especially sent for by the court. And the constables shall also notify these jurors four days before the sitting of the court, of their being drawn as provisional jurymen, in the same manner as is provided for the notification of the first set of jurors. And such provisional jurors shall hold themselves in readiness, and be obliged to attend and serve, if and when, called for by the court, in the course of that term. And in all cases, when provisional jurors shall be drawn as aforesaid, it shall be in the discretion of the court, at any time during the session, to excuse, on request, from further attendance, any individual of the first set of jurors, on the condition of his giving seasonable and personal notice to such a provisional juror or jurors, for his or their immediate attendance, as shall be designated and called for, by the direction of the court.

SECT. 13. *And be it further enacted,* That the manner in which constables, upon the receipt of venires for jurors, shall notify the qualified inhabitants of their respective towns to assemble, and to be present at their drafts as aforesaid, shall, unless otherwise ordered by said towns respectively, be the same as has been, or shall be established therein for notifying and warning their annual town meetings. But if any town have, or shall, at a legal town meeting, order or appoint that the notification shall be by the constables giving notice to the selectmen, or the major part of them, and the town clerk, or by any other mode, such notification shall be sufficient.

SECT.

Provisional
jurors chosen
in case.

Constables to
notify as usual.

SECT. 14. *And be it further enacted,* That the oaths which shall be administered to the grand, traverse and petit jury, respectively, when they shall be empanelled, shall be in the forms following, namely—(Grand Juror's oath.) You, as grand jurors of this inquest for the body of this county of S. solemnly swear that you will diligently enquire, and true presentment make, of all such matters and things as shall be given you in charge; the commonwealth's counsel, your fellows, and your own, you shall keep secret; you shall present no men for envy, hatred or malice, neither shall you leave any man unpresented, for love, fear, favour, affection, or hope of reward; but you shall present things truly, as they come to your knowledge, according to the best of your understanding. So help you God. (The other grand juror's oath.) The same oath which your fellows have taken, on their part, you and each of you, on your behalf, shall well and truly observe and keep. So help you God. (The form of the traverse and petit jurors' oath in civil causes.) You, and each of you, swear, that in all causes betwixt party and party, that shall be committed to you, you will give a true verdict therein according to the law and the evidence given you. So help you God. (Form of the oath in criminal causes, not capital.) You shall well and truly try the issue between the commonwealth and the defendant or defendants, (as the case may be) according to your evidence. So help you God. (Form of the oath in capital causes.) You shall well and truly try, and true deliverance make, between the commonwealth and the prisoner at the bar, whom you shall have in charge, according to your evidence. So help you God. *Provided,* that when any person of the denomination of christians called Quakers, cannot conscientiously take the oath prescribed, such person shall be allowed to make affirmation, substituting the word "affirm," instead of the word "swear;" and also the words, "this you do under the pains and penalties of perjury," instead of the words, "So help you God."

Oaths.

Affirmation.

SECT. 15. *And be it further enacted,* That it shall be the business of the grand juries to present all crimes, offences, and breaches of the law, cognizable by the respective courts at which they shall attend; and of the traverse and petit juries, respectively, to try, according to the established forms and principles of law, all causes which shall be committed to them—and to decide at their discretion, by a general verdict, both the fact and the law, involved in the issue; or to find a special verdict or a general verdict, subject to

Business and duty of grand juries.

the

the opinion of the court on a case or point stated and reserved by agreement of the parties, or their council, under the direction of the court, as making a part of the record to be entered as such, and in case such jurors, after a due and thorough deliberation on any civil cause, with which they may be charged, shall return into court without having been able to agree on a verdict, it shall be in the discretion of the court explaining to them its understanding of questions of law, if any should be proposed, and re-stating what any witness had testified, should that be requested by the jury; to send them out again for further deliberation; and if the jury should return a second time without being able to agree on a verdict, they shall not be liable to be sent out a third time, unless they shall state some legal difficulties for explanation, which had not been previously attended to by the court.

Jury fees.

SECT. 16. *And be it further enacted*, That the grand jurors who shall attend at the Supreme Judicial Court, the Court of Common Pleas, or the Municipal Court for the town of Boston, and the jurors for trials who shall attend either of the courts aforesaid, shall each be allowed one dollar and twenty-five cents a day for their attendance, and six cents a mile for their travel out and home; to be paid out of the county treasuries, respectively.

Penalties for neglect of duty.

SECT. 17. *And be it further enacted*, That the selectmen, town constable, clerk of the town, clerk of the court, sheriff or juror, who having no justifiable cause therefor, shall neglect to discharge the duties incumbent on them, him or it, respectively by this act, shall be subjected to the respective fines and amercements named to be assessed, ordered and imposed by the court, in reference to whose jurors such neglect or failures may have taken place; namely, a fine not exceeding twenty dollars, at the discretion of the court, on any selectmen or town clerk, who shall so neglect to perform his or their duty herein prescribed, as by means whereof the jurors called for from his or their town, shall not be returned; a fine not exceeding twenty dollars, at the discretion of the court, on any constable who shall so neglect to perform the duties devolved on him by this act; by means whereof there shall be a failure of the jurors called from his town as aforesaid; a fine or amercement not exceeding one hundred dollars, at the discretion of the court, on any town which shall so neglect the duties herein enjoined on it, or thereby to occasion a failure of the jurors called for, from such a town; a fine at the discretion of the court,

court, not exceeding fifty dollars, on their clerk, or the sheriff, who shall so neglect the duties enjoined on them respectively by this act, as to prevent a compliance with any of its provisions; a fine on any juror drawn, notified and returned, in the manner as above described, who shall unnecessarily fail in his attendance, and not being an inhabitant of Boston, Salem, Newburyport or Portland, not exceeding twenty dollars, and if an inhabitant of either of these towns, not exceeding forty dollars, to be divided equally among the jurors who shall attend and serve; and a fine not exceeding eighty dollars, on any town clerk or selectman who shall be guilty of any fraud, either in practising on the jury box previously to a draft, or in the drawing a juror, or in returning the name of any juror into the box, which had been fairly drawn out, and drawing or substituting some other one in his stead, or in any other way whatsoever; and all such fines, which the selectmen, constable, town clerk, sheriff, or clerk of a court, shall incur by virtue of this act, for any neglect, shall be to the use of the county in which the offender dwelt at the time of the neglect, to be recovered by indictment, information, or an action brought by the treasurer of the county, before any court having jurisdiction of the offence, provided the action shall be brought within twelve months after the offence shall have been committed: such fines or amercements as shall be ordered or imposed on towns for any neglect of their duties as before specified, shall be to the use of the county in which the offending town may be; and all fines and forfeitures for any of the frauds, by town clerks or selectmen as abovementioned, shall be recovered by action of debt, in any court having jurisdiction thereof; one moiety thereof to be, and enure to the commonwealth; the other moiety to him or them who shall prosecute and recover the same. And if any person obtaining a verdict in his favour in any court in this commonwealth, shall, during the session of the said court in which such verdict shall be obtained, give to any of the jurors in said cause, knowing him or them to be such, any victuals, drink, or entertainment, or other article by way of treat or gratuity, whether before or after such verdict, on due proof thereof it shall be a sufficient reason, at the discretion of the court, to set aside the verdict, at the election of the adverse party, and award a new trial of the cause.

Penalty in case
of fraud.

Appropriation
of fines.

Gratuities for-
bidden on pen-
alty.

SECT. 18. *And be it further enacted,* That all jurors that shall be selected, drawn or returned, in pursuance of the
present

All previous jury acts repealed.

present existing law or laws, until the fourth day of July next, shall be considered as regularly returned, and competent to the duties for which they may have been so returned; after which time all acts, and clauses of acts, coming within the purviews of this act, and so far forth as their subjects are taken up and provided for by this act, shall be considered as repealed, and they are hereby repealed: *Provided always*, that any right or rights, action or actions, remedies, fines, forfeitures or privileges, which may then have occurred under any of the said existing laws, or clauses of the same, in any manner whatever, which may not then have been realized, executed, or definitively acted on, may be prosecuted and executed, and such proceedings had thereon as would have been done or had, and in the same manner as if this act had not been passed: *And provided also*, that all jurors which before that time shall have been regularly returned under the existing laws, shall exercise their rights and perform their duties as if this act had not passed.

Proviso.

[This act passed *March 12, 1808.*]

[END OF JANUARY SESSION, 1808.]

I N D E X.

A

| | |
|--------------------------------------------------------------------------------|--------|
| ACADEMY, Day's, additional act | 24, 38 |
| Pittsfield, incorporated | 56 |
| Farmington, incorporated | 60 |
| Canaan, established | 62 |
| Hebron, additional act | 171 |
| Newburyport, established | 189 |
| Phillips, additional act | 193 |
| Belfast, established | 270 |
| Bridgetown, established | 334 |
| Female, in Bath | 355 |
| Warren, established | 257 |
| Academical association, Wiscasset | 362 |
| Attachment on mesne process | 140 |
| Attorney, Solicitor General, and County Attornies, their offices and duties | 186 |
| Alfred District, privilege of a Town | 256 |
| Actions real, limitations of | 290 |

B

| | |
|------------------------------------------|-----|
| Boston Pier, additional act | 18 |
| Bank, Union, State Directors | 46 |
| Boston | 46 |
| Blanford, School District | 348 |
| Battery pasture, ceded to U. States | 359 |
| Boston, collection of taxes regulated in | 369 |
| Boston, safe keeping Gun Powder in | 373 |
| Boston Athenæum | 52 |
| Brighton incorporated | 82 |
| Bridge, in Hallowell, additional | 75 |
| Kenduskeag | 110 |
| Canal | 112 |

INDEX.

| | |
|---------------------------------------------------------|-----|
| Bridge, Presumpscut, incorporated | 130 |
| Saco River | 144 |
| Spruce Creek | 167 |
| Belle Isle | 172 |
| Mill Creek | 179 |
| Kennebeck River | 214 |
| Androscoggin River | 240 |
| between Cambridge and Brighton | 287 |
| Toll, at Fryeburg | 318 |
| in Northfield | 350 |
| Sebastcook River | 376 |
| Brownfield incorporated | 112 |
| Bartlett, Jonas, and Jonas, jun. set off to Northoro' | 196 |
| Boom across Machias River | 249 |
| <i>C</i> | |
| Court Sessions, Essex, to grant licenses | 5 |
| Supreme Judicial, salaries | 6 |
| Oxford, times for holding | 17 |
| York do. | 41 |
| Common Pleas and Sessions, holding in County of Bristol | 55 |
| Probate, Co. Cumberland, time for holding | 97 |
| Common Pleas and Sessions, Co. Washington | 139 |
| Sessions of Peace, established, additional act | 177 |
| Common Pleas, holding in Dukes County | 184 |
| Gen. Sessions Peace, time and place established | 190 |
| Common Pleas, in Oxford | 237 |
| General Sessions, act to explain | 253 |
| Probate, in Hampshire | 281 |
| Sessions and Common Pleas, Co. Barnstable | 306 |
| Probate, in Co. Norfolk, to be holden | 342 |
| Chesterville and Farmington, line between | 34 |
| Coroners', powers and duties, additional | 36 |
| Chelmsford, passage way for fish | 63 |
| Cambridge Port Aqueduct | 125 |
| Cotton Mills, exempted from taxation | 127 |
| Clark and Nightingale, partition Estate | 146 |
| Cambridge Meeting House, additional | 173 |
| Canal, Cobbosee Contee | 203 |
| Cotton Manufactory, Fitchburg | 209 |
| Cambridge Port Parish | 286 |
| Castle Island ceded to U. States | 360 |
| Cotton Manufactory, Norfolk | 378 |

INDEX.

| | |
|----------------------------------------------------|----------|
| <i>D</i> | |
| Dam, Quincy Town River | 11 |
| Aponeganset River | 37 |
| Deerfield, to loan interest, additional | 47 |
| School District | 51 |
| Deer hunting, regulated | 57 |
| Denmark incorporated | 78 |
| Danvers North Parish, lands exempted from taxation | 130 |
| Dixmont incorporated | 136 |
| <i>E</i> | |
| Elections, additional act | 33 |
| Exemptions from Military duty | 139 |
| Exchange Coffee House incorporated | 201, 295 |
| <i>F</i> | |
| Folger, Charles, doings made valid | 19 |
| Fishery, in Orrington | 39 |
| Fish regulated, in Kennebeck River | 95 |
| Friendship incorporated | 96 |
| Fish, preservation of, in Salem and Danvers | 162 |
| Fishery in Bristol | 193 |
| in Damariscotta River | 212 |
| Fish, Alewives and Herring, boxes regulated | 246 |
| Freeman incorporated | 300 |
| <i>G</i> | |
| Guardians, powers and duties of | 138 |
| <i>H</i> | |
| Hops, inspection | 20 |
| Hiram incorporated | 109 |
| Hopkins, Edward, Hon. charity perpetuated | 233 |
| House Island ceded to U. States | 360 |
| <i>I</i> | |
| Jay, School Lands, authorizing sale of | 69 |
| Jefferson incorporated | 79 |
| Insurance Company, in Bath | 100 |
| Union Marine Fire, Newburyport | 119 |
| Middlesex incorporated | 147 |
| Social | 273 |
| Kennebeck Marine | 277 |
| India Wharf incorporated | 295 |
| Justices of Peace, powers described | 358 |
| Jurors, regulating the selection of | 382 |
| <i>K</i> | |
| Killeran, Benjamin, annexed to Cushing | 200 |

INDEX.

L

| | |
|----------------------------------------------------|----------|
| Lottery, Hatfield Bridge, | 3, 87 |
| Amoskeag, additional act | 281 |
| Lands, interval, in West Springfield, incorporated | 5 |
| owners, on Accushnett, to build wharves | 14 |
| for ceding, to the U. S. Cape Cod, and Frank- | |
| lin Island | 24 |
| for ceding, to the U. S. for Light Houses | 99 |
| School, in Buckstown, to raise fund | 187 |
| Ministry, in Livermore, do. do. | 268 |
| School, in Columbia | 307 |
| Parsonage, in Fryeburg | 320 |
| Do. in Andover, North Parish | 341 |
| Libraries, social, additional | 83 |
| Logs, Rafts and Spars, secured to owners | 156, 301 |
| Lynn Long Wharf incorporated | 224 |
| Little River Plantation annexed to Lisbon | 300 |
| Limington Congregational Parish | 327 |
| Licensed Houses regulated, additional | 361 |

M

| | |
|--------------------------------------------------------|-----|
| Merrimack and other rivers, to prevent obstructions in | 35 |
| Marsh, Green's Harbour, to drain | 48 |
| Montville incorporated | 64 |
| Manapaug Ponds, preservation of fish in | 77 |
| Moote Brook Canal | 84 |
| Moose Island, School districts | 151 |
| Methuen, an act to divide | 154 |
| Mile and Half Strip annexed to Cornville | 200 |
| Marshpee Indians, for regulating | 340 |
| Mill Dam in Phillipsburg | 352 |

N

| | |
|----------------------------------|-------------------|
| Names altered | 16, 105, 185, 357 |
| Nails, manufacture, act amending | 18 |
| Newbury Salt Marsh incorporated | 134 |
| Newburyport Bathing House | 141 |
| Newbury Meeting House | 303 |
| Newburyport Meeting House | 309 |
| New Portland incorporated | 342 |

O

| | |
|----------------------------------------|-----|
| Oxford South Gore annexed | 37 |
| Oxford County incorporated, additional | 133 |

P

| | |
|---------------------------------------------|---|
| Partridgefield, name changed | 6 |
| Prison Point Dam; Proprietors, incorporated | 7 |

INDEX.

| | |
|-----------------------------------------------------|-----|
| Porter incorporated | 76 |
| Penobscot River | 107 |
| Plainfield incorporated | 171 |
| Palmyra incorporated | 199 |
| Perry, Peter, and others, annexed to W. Stockbridge | 246 |
| Parishes, Precincts, additional act, regulating | 266 |
| Pownal incorporated | 298 |
| <i>Q</i> | |
| Quaddy Head, lands ceded to the U. States | 98 |
| <i>R</i> | |
| Rocky Pond waters, use of, granted | 77 |
| Rockwood, Josiah, annexed to Upton | 336 |
| <i>S</i> | |
| Society, Baptist, in Sanford | 12 |
| Do. in Arundell | 27 |
| United Marine, in Portland | 42 |
| Baptist, in Windfor | 50 |
| Religious, in Hingham | 58 |
| Do. in Bethlehem and Loudon | 65 |
| Massachusetts, promote Christian knowledge | 71 |
| Religious, in Edgcomb | 74 |
| Do. in Ballstown | 80 |
| Baptist, in Buxton | 81 |
| Religious, in Attleborough | 87 |
| Baptist, in Vassalborough | 91 |
| Marine, in Marblehead | 104 |
| Religious, North Parish in Hingham | 125 |
| Methodist, in Cape Elizabeth | 143 |
| Episcopalian, in Pittstown | 158 |
| Baptist, in Wells | 160 |
| Religious, in Dorchester | 180 |
| Episcopal, in Lenox | 197 |
| Congregational, in Hebron | 217 |
| Baptist, in Royaston | 220 |
| Religious, in Tisbury | 221 |
| Congregational, in Newfield | 223 |
| Do. in Malden | 230 |
| Massachusetts, Missionary | 244 |
| Union Calvinistic, in Abington | 251 |
| Religious, in Marlborough | 255 |
| Do. in Bedford Precinct | 267 |
| Methodist, in Poland | 282 |
| Second, in Fitchburg | 301 |
| Baptist, in Limington | 302 |

INDEX.

| | |
|--------------------------------------------------------------|---------|
| Society, Second Religious, in Charlton | 323 |
| Third Religious, in Augusta | 324 |
| Antipædobaptist, in New-Gloucestcr | 326 |
| First Baptist, in Bernardston | 329 |
| Third Congregational, in Portland | 330 |
| Methodist, in Pittsfield, Hancock, Dalton, and Washington | 370 |
| First Universalist, in Falmouth | 371 |
| Massachusetts Missionary Baptist | 264 |
| Sumner, Clement, set to third Parish in Roxbury | 25 |
| Saco New Meeting-House | 283 |
| State debt, part payment provided for | 368 |
| Sluice-Way in Topsham | 234 |
| Salter's Beach, secure from damage | 292 |
| <i>T</i> | |
| Turnpike, Middlesex, additional act | 10 |
| Stoughton | 14 |
| Taunton and South Boston | 15 |
| Twelfth Massachusetts, additional act | 26 |
| Lancaster | 67 |
| Fifteenth Massachusetts, further time allowed | 68 |
| Fourteenth Massachusetts, to erect a gate | 91 |
| Tenth Massachusetts, to erect a gate | 98 |
| Essex, additional—Andover and Medford, to unite gates | 110 |
| Fourteenth Massachusetts, location of | 124 |
| New-Bedford and Bridgewater | 128 |
| Stockbridge, established | 137 |
| Sheffield and Great Barrington | 139 |
| Belchertown & Greenwich, additional | 173 344 |
| Petersham and Monson, additional act | 174 |
| Blue-Hill, additional act | 174 |
| Bethlehem and Tyringham | 175 |
| Westford and Lexington | 176 |
| Mashapog, established | 178 |
| Sturbridge and Western, established | 195 |
| Sheffield and Tyringham | 200 |
| Alford and West-Stockbridge | 218 |
| Dalton and Middlefield | 219 |
| Nashua, established | 243 |
| Petersham and Monson, additional | 243 |
| Taunton and New-Bedford, additional | 294 |
| Sixteenth Massachusetts, additional | 306 |
| and Bridge, Hingham and Quincy | 312 |

INDEX

| | |
|----------------------------------------------------------|-----|
| Turnpike Road, from Medford to Charlestown | 320 |
| Corporations, powers and duties defined | 343 |
| Dartmouth and New-Bedford | 345 |
| Middleborough and New-Bedford | 346 |
| Road, from Newburyport to Chelsea | 347 |
| Fourteenth Massachusetts, to complete a road | 364 |
| Providence and Northampton | 364 |
| Brookfield and Charlton | 366 |
| Truro Pond Harbour Corporation | 29 |
| Thomfontown annexed to Hartford | 184 |
| <i>V</i> | |
| Vinal, John, sentence remitted | 20 |
| <i>U</i> | |
| Union Wharf in Salem | 337 |
| <i>W</i> | |
| Wood and Timber, preservation of, in Wenham and Hamilton | 89 |
| West Cambridge incorporated | 128 |
| Wigwam Pond Meadows incorporated | 216 |
| Washington County, divided into two districts | 367 |
| <i>Y</i> | |
| Yarmouth, North, Salt Works incorporated | 92 |

L A W S

PASSED AT THE SESSION COMMENCED ON

THE TWENTY-FIFTH MAY, 1808.

POND-STREET.—MID. CAN. *June 10, An. 1808.*

CHAPTER I.

An Act in addition to an act entitled "An act to establish the Pond Street Corporation."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Corporation be, and hereby is authorized to contract said street to the width of forty-five feet instead of sixty: *Provided,* the interest of any abutter on said Street shall not be impaired thereby.

Width of the street.
Proviso.

[This Act passed *June 10, 1808.*]

CHAP. II.

An Act in addition to an act entitled "An Act in further addition to an act entitled An Act for incorporating James Sullivan, esq. and others, by the name and style of The Proprietors of the Middlesex Canal."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Proprietors shall be allowed the term of three years from the twenty-second day of June, one thousand eight hundred and eight, to complete the same Canal to Charles River; and to effectuate the means of a communication between the said Canal and the town of Boston, across said Charles River, by boats.

[This Act passed *June 10, 1808.*]

B b b

CHAP.

CHAP. III.

An Act in addition to an act entitled “An act to incorporate the Boston Marine Insurance Company.”

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, the capital stock of the said Boston Marine Insurance Company, shall be divided into shares of sixty dollars each, and the whole number of shares shall be five thousand; and the whole capital stock and property which the said Company shall be authorized to hold, shall never exceed the sum of three hundred thousand dollars, exclusive of the premium notes, and profits arising from their business. And the President and Directors shall not be allowed to insure any sum by which they shall hazard on any one risk a greater sum than thirty thousand dollars; any thing in any former act to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That nothing in this Act contained shall prejudice or affect any Policy of Insurance heretofore made by said Company, but in case of any loss or losses arising or happening on any such policy heretofore made, the party insured thereby shall have the same remedy, and the estate of each proprietor or stockholder shall be held accountable therefor, in the same manner, and to the same amount, as if this act had not been made.

[This Act passed *June 10, 1808.*]

CHAP. IV.

An Act in addition to an act entitled “An Act to establish the Nashua Turnpike Corporation.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Nashua Turnpike Corporation be, and they hereby are authorized and empowered, to extend the said Nashua Turnpike through the northerly part of Shirley, northerly part of Lunenburg, northerly part of Fitchburg, southerly part of Ashby, and northerly part of Ashburnham, to the line of New-Hampshire, near Watatic hill; under the same restrictions, and with the same powers and privileges which are prescribed in the Act to which this is in addition.

[This Act passed *June 10, 1808.*]

CHAP.

Shares.

Limits of Insurance.

Estate of Stockholders to be held accountable in case

CHAP. V.

An act in addition to an Act entitled “ An Act authorizing a Lottery for the purpose of completing Hatfield Bridge.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years, Further time granted. from and after the passing of this Act, be allowed the Managers of Hatfield Bridge Lottery, to raise the sum in and by the Act to which this is an addition, allowed to be raised, any thing therein contained to the contrary notwithstanding. *Provided, however,* That nothing herein contained, shall authorize them the said Managers to raise a Provisos. larger sum than in and by the same act allowed to be raised; and *provided also,* that the said Managers be and continue subject to the same requirements, duties and obligations as they now are by the act aforesaid.

And provided also, That said Managers, previously to their issuing another class, exhibit to the Governour and Council an account of their sales of tickets and expenses of said Lottery, hitherto incurred, and if the said expenses shall appear to them reasonable, and that the sum of ten thousand dollars have not as yet been raised, as in the aforesaid Act provided.

[This Act passed June 10, 1808.]

CHAP. VI.

An Act to incorporate a Baptist Society in the town of Egremont.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Josiah Curtis, Joshua Millard, Joshua Millard, Jun, Peter L. Bogerdus, Peter Millard, Isaac Olds, Seth Olds, Joseph Jid, Abner Skiff, Ebenezer Hatch, Walter Millard, Alborn Millard, Herman Millard, Josiah Millard, David Loomis, Ephraim Winchell, Joseph Loomis, Isaac Rare, Andrew Winchell, Absalom Winchell, Isaac Hotet, Reuben Wilson, James Baldwin, Amos Winchell, and Lyman Olds, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated into a religious Society, by the name of the Baptist Society in Egremont, in the County of Berkshire, Persons incorpo- rated. with

with all the powers and privileges to which parishes are entitled by the Constitution and laws of this Commonwealth.

Qualifications
necessary to be-
come a member.

SEC. 2. *Be it further enacted*, That any person in the said town of Egremont, who may desire to join the said Baptist Society, and declares such intention, in writing, given to the Clerk of said Society, and also a copy of the same given to the Clerk of the town of Egremont, on or before the first day of March, in the year in which such application shall be made, and shall receive a certificate signed by the Minister or Clerk of the said Society, that he or she has actually become a member of, and united in religious worship with the said Society, such person shall, from the date of such certificate, be considered, with his or her polls and estates, as members of said Society.

In case of leav-
ing the Society.

SEC. 3. *Be it further enacted*, That when any member of the said Baptist Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the said town, and shall give notice of such intention in writing, delivered to the Clerk of said Baptist Society, and shall also deliver a copy of the same to the Clerk of the town, and produce a certificate signed by the Minister or Clerk of such other Society, that he or she has actually become a member of, and united in religious worship with such other Society, such person, from the date of such certificate, with his or her polls and estate, shall be considered as members of said Society. *Provided, however*, That in every such case, every such person shall always be held to pay his or her proportion of all parish or society charges, assessed and not paid previous to leaving the said Society, and being received into another.

Justice authoriz-
ed to issue war-
rants.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the County of Berkshire, upon application therefor, is hereby authorized to issue a warrant directed to some member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law required to choose at their annual parish meetings.

[This Act passed June 10, 1808.]

CHAP. VII.

An Act to establish the Douglas, Sutton and Oxford Turnpike Corporation.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Paul Dudley, Jonathan Holman, Timothy Craggin, Benjamin Wallis, Jun. Samuel Wallis, Peter Wallis, David Wallis, William Wallis, Jonah Titus, Greenleaf Briggs, Josiah Thayer, Isaac Titus, Lemuel Dudley, Amos Rich, John Rich, Daniel Hovey, Samuel Waters, Reuben M'Knight, Jason Waters, Abraham Howard, Reuben Waters, Amos Waters Judah Waters, Bricket Chase, Francis Putnam, Joshua Waters, together with such others as may hereafter associate with them, their successors or assigns, be, and they are hereby made a Corporation by the name of the Douglas, Sutton and Oxford Turnpike Corporation, for the purpose of making a turnpike road from the congregational meeting-house, in Douglas, to Benjamin Dudley's; from thence to Abraham Brigg's in said Douglas; thence to Samuel Rich's, in Sutton; thence in the best direction to the county road, a little east of Jonathan Davis, Esq's. in Oxford.

Persons Incorporated.

SEC. 2. *Be it further enacted*, That Salem Town, John Spurr, and John Farnum, Esqrs. be, and they hereby are appointed a Committee to locate the said road, and to fix and mark the same in the course before described, at their discretion; and in case there should be any obstructions from buildings, or other cause, which may prevent a straight line, the said Committee shall, in such case, have power to vary the line so as to avoid such obstruction. And the said Committee are hereby empowered to assess such damages as any individual may sustain, by reason of laying out said road, when the Corporation and such individual cannot agree. And when the said Committee shall have completed this business, they shall make return to the next Court of General Sessions of the Peace, to be holden in the County of Worcester, of the courses and distances of said Turnpike road, and of the damages assessed, the expense for all which services of the said Committee, shall be paid by the said Corporation.

Committee appointed.

Empowered.

To make return,

SEC. 3. *Be it further enacted*, That the said Corporation shall, in other respects, have all the powers and privileges, and shall be subject to all the duties, requirements and penalties, prescribed and contained in an Act entitled "an Act defining the general powers and duties of Turnpike

Powers of the Corporation.

pike

pike Corporations"—passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any Act in addition thereto which has already been passed.

[This Act passed June 10, 1808.]

CHAP. VIII.

An Act in addition to an Act entitled "an Act to incorporate the Proprietors of Mills on Charles River.

WHEREAS it is provided by the Act entitled "an Act to incorporate the Proprietors of Mills on Charles River," that the notification of Proprietors' Meetings shall be published in the *Massachusetts Mercury*, fourteen days before said Meeting, and whereas there is now no paper printed in Boston, under that denomination:—
Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in addition to the other provisions necessary for the calling legal meetings of said Proprietors, the notification of such meeting shall in future be published in the Newspaper printed in Boston, by the Printers to the General Court, for the time being, instead of the *Massachusetts Mercury*, aforesaid, fourteen days at least before the time for holding said meetings, and at such meetings it shall be lawful for said Proprietors to choose, in addition to the officers which by the Act aforesaid they have now the right to choose Assessors, Collector or Collectors of Taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and shall continue to serve until others are chosen and sworn in their room, which may be as often as said Corporation shall judge necessary; which officers chosen and sworn as aforesaid, shall have the same power to perform, execute and carry into effect, any vote or order of the said Corporation, as town officers of like description have by law to do and perform in their respective offices. And said Corporation shall, at any legal meeting called for that purpose, have power to vote and raise monies for the purpose of removing and clearing out the obstructions in Charles River, at and above the upper falls, and for giving a free and natural course to the waters of said river, and all monies which may be voted to be raised as aforesaid, shall be assessed upon

Proprietors
meetings—how
notified.

Powers.

upon each Proprietor of the mills aforesaid, in proportion to the value of his property in said mills, and the benefits likely to be received, and if any Proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her as aforesaid, after sixty days notice, so much of said Proprietor's mill or mills, mill rights or privileges shall be sold as will be sufficient to pay the same, together with legal cost, in the same way and manner as non-resident Proprietors' lands in this Commonwealth are sold to pay town taxes.

SECT. 2. *And be it further enacted,* That the removing and clearing out the obstructions aforesaid, shall be done and performed under the immediate direction of such Commissioners as shall be appointed by the Supreme Judicial Court, in the same way and manner as Commissioners of sewers may be appointed, agreeably to an Act of the Legislature of this Commonwealth, passed in the year of our Lord one thousand seven hundred an ninety-six. And the Supreme Judicial Court are hereby authorized and empowered, upon application from said Corporation, or from their Committee which may be appointed for that purpose, to appoint not less than three, nor more than five suitable persons to be Commissioners for the purpose aforesaid; who shall be sworn to the faithful discharge of the trust reposed in them, and said Commissioners, when appointed and sworn as aforesaid, shall carefully attend to, and inspect all the digging and removing the obstructions in said Charles River, and particularly to see that the waters shall be disposed of in such way and manner as shall least injure the Proprietors of the mills on said Charles River, and those on Mill Creek stream, leading into Neponset river; and also shall consider and determine upon the just and equal proportion of water, which shall run out of said Charles River down said Mill Creek stream, for the accommodation of the mills on that stream, which proportion shall be determined upon according to the quantity of water the said Charles River shall afford, and the privileges the Proprietors of mills have heretofore enjoyed, as well on said Charles River as on Mill Creek; and the said Commissioners shall fix and establish such permanent boundaries in said Mill Creek, as will secure the proportion of water which they may determine shall run that way.

SECT. 3. *Be it further enacted,* That after the said Commissioners shall have determined and fixed the permanent boundaries in said Mill Creek, any person or persons who shall remove or cause to be removed, or alter the said permanent boundaries, or shall be aiding and abetting therein,

Removal of obstructions.

Commissioners for that purpose.

Their duty.

Penalty for removing boundaries.

therein, except by the orders of said Commissioners, shall forfeit and pay to the said Corporation, a sum not exceeding five hundred dollars, to be recovered by said Corporation in an action of debt brought before any Court within this Commonwealth competent to try the same.

Proviso.

SECT. 4. *Provided always, and be it further enacted,* That whenever application shall be made to the Supreme Judicial Court for the appointment of Commissioners, in virtue of the second section of this Act, in such case it shall be the duty of said Court to appoint the same persons who have been appointed Commissioners on the application of the Proprietors of Charles River meadows, if any such commissioners shall at the time of such application be in office.

[This Act passed June 10, 1808.]

CHAP. IX:

An Act to incorporate a number of the inhabitants of the town of Freeport, and other places adjoining, in the County of Cumberland, into a Religious Society, by the name of the Calvinistick Baptist Society, in Freeport.

Persons Incorporated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathan Wesson, Edmund Pratt, Stephen Wesson, Sylvanus Soule, Peleg West, George Dennison, David Dennison, William Merrill, Ezekiel Merrill, Abner Harvey, Robert Mitchell, Timothy Pratt, John Wentworth, Micah Stockbridge, William True, William Mitchell, Daniel Beal, Jacob Soule, Levi Harvey, William Curtiss, James Coffin, Isaac Griffin, Reuben Harvey, Daniel Warren, Daniel Dunham, William Blackstone, Cornelius Soule, Jun. Samuel Mitchell, Jun. Jacob Seales, Rufus Soule, Daniel Cummings, Jonathan Griffin, Jun. Joseph Griffin, Micah Stockbridge, Jun. Samuel Fogg, John Todd, Silas Osgood, Barnabas Soule, James Rogers, Samuel Hyde, Henry Griffin, Moses Griffin, Jeremiah Nason, Bayley Curtis, Elizabeth Coffin, and Eliab Gurney with their families and estates, together with such others as already have, or may hereafter associate with them, and their successors, be, and hereby are made a Corporation, by the name of The Calvinistick Baptist Society in Freeport; and by that name shall have perpetual succession, with all the powers and privileges exercised and enjoyed

joyed by other Religious Societies, according to the Constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person belonging to the said town of Freeport, or in the adjacent towns, who may be desirous to join the said Calvinistick Baptist Society, and shall declare such intention in writing, to the Elder or Clerk of said Society, fifteen days at least previous to the annual Society meeting, and shall receive a certificate signed by the said Elder and Clerk, that he or she has actually become a member of, and united in religious worship with the said Society in Freeport, such person shall, from the date of such certificate, be considered, with his or her polls and estate, a member of said Society.

How to join this Society.

SECT. 3. *Be it further enacted,* That when any member of the said Calvinistick Baptist Society, in Freeport, shall see cause to leave the same, and to unite in religious worship with any other Society, and shall give notice of such intentions to the Elder or Clerk of the said Baptist Society, and shall also give in his or her name to the Minister or Clerk of such other Society, fifteen days at least previous to the annual Society meeting, and shall have received a certificate of membership, signed by the Minister and Clerk of such Society, such person shall, from the date of such certificate, with his or her polls and estates, be considered a member of said Society.

How to leave this Society.

Provided however, That every such person shall always be held to pay his or her proportion of all parish charges in the Society to which such persons belong, assessed and not paid previous to leaving said Society.

Proviso.

SECT. 4. *Be it further enacted,* That either of the Justices of the Peace for the County of Cumberland, is hereby authorized to issue a warrant directed to some member of the said Calvinistick Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such Officers as parishes or religious Societies are by law empowered to choose at their annual Parish meetings.

Justice authorized to issue warrants.

[This Act passed June 10, 1808.]

CHAP. X.

An Act to incorporate Ephraim Perkins and others into a religious society, by the name of the Proprietors of the Meeting house in the first Congregational Society in Becket.

Persons Incorporated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ephraim Perkins and others, that are now proprietors in the first Congregational Society in Becket, in the county of Berkshire, and all others who may hereafter be proprietors of said Meeting House, be, and they are hereby incorporated and made a body politic, by the name of the Proprietors of the Meeting House in the First Congregational Society in Becket, and by that name may sue and be sued, and shall be vested with all the powers, privileges and immunities to which similar Corporations in this Commonwealth are entitled by law; and said Corporation shall be, and hereby are deemed in law to be seized of the same Meeting house, with all the privileges and appurtenances thereto belonging, so long as they shall keep the same in repair and hold it ready for the use of the aforesaid First Congregational Society in Becket, for a place of publick worship.

Empowered.

SECT. 2. *Be it further enacted,* That the Proprietors of said house be, and they hereby are authorized and empowered, to raise by assessment on the pews and seats in said house, (or such parts of the pews and seats as the proprietors shall agree upon,) such sum or sums of money for keeping said house in repair and managing the affairs and concerns thereof, as they shall agree on at any legal meeting called for that purpose; and the same may assess or cause to be assessed, upon such pews and seats as the proprietors at such meeting may deem proper, according to the respective valuation made thereof, and recorded in the proprietors' book; and the sums so assessed shall be paid by the proprietors of such pew and seat. And if any proprietor shall neglect to pay such assessment, which shall have been legally made, for the space of one year, the treasurer of said Corporation shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said Corporation, at publick auction, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications at the front door of said house, and by publishing the same in one newspaper printed in said county of Berkshire, fourteen days previous to the sale, and to execute good and sufficient deed or deeds thereof;

thereof ; and after deducting said delinquent's assessment, with legal interest thereon from the time of the assessment, with incidental charges, the Treasurer shall pay the surplus (if any there be) to such delinquent proprietor.

SECT. 3. *Be it further enacted,* That any justice of the peace, in said county of Berkshire, be, and he is hereby empowered to issue his warrant to some principal member of the said Corporation, requiring him to warn the members thereof, to meet at such time and place as shall be therein set forth, to choose a moderator, and a clerk, who shall be duly sworn ; a treasurer, and such other officers as the proprietors shall judge necessary ; and the moderator of that and all future meetings, shall have power to administer the oath of office to the clerk, and all the officers there to be chosen shall continue till others are chosen in their stead : And all future meetings shall be warned in the manner the proprietors shall agree on at their first meeting by a major vote, each proprietor having one vote, and no more, in all meetings of said Corporation.

Justice authorized to issue warrants.

[This Act passed June 10, 1808.]

CHAP. XI.

An act establishing a Corporation, by the name of the Salem Union-Street Corporation.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Archer, Robert Stone, Jun. Joseph White, Jun. and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politick and corporate, by the name of the Salem Union Street Corporation ; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any courts of records or in any other place whatsoever ; and shall and may do and suffer all matters, acts and things which bodies politick ought to do and suffer ; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew ; and also to ordain, establish and put in execution such bye-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said Corporation, and for the prudent management of their property and affairs ; and for the breach of such bye-laws, ordinances and regulations may order fines and penalties not exceeding

Persons Incorporated.

exceeding ten dollars for every breach. *Provided*, that such bye-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

Empowered.

SECT. 2. *Be it further enacted*, That the said Corporation shall be, and hereby is declared capable to have, hold and possess any lands, tenements or hereditaments, not exceeding forty thousand dollars in value, lying in the town of Salem, in the county of Essex, on or near Union-street, so called, and between Essex-street and Derby-street; and shall have power to erect any brick buildings on any real estate owned by them; and shall have power to grant, sell and alien in fee simple or otherwise, the said corporate property or any part thereof, and to lease, exchange, manage and improve the same according to the will and pleasure of the proprietors, or the major part of them present, at any legal meeting to be expressed by their votes; and the rents, profits and receipts which may accrue from the improvements, leasing or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors according to their respective shares.

Shares.

SECT. 3. *Be it further enacted*, That said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding one hundred; and upon the form of certificates to be given to individuals of the number of shares by them respectively held; and upon the mode and conditions of transferring the same; which shares shall be held and considered as personal estate to all intents and purposes whatsoever; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for repairing and erecting walls and brick buildings on any part of their real estate, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act; and to sell and dispose of the same, or of shares of any delinquent proprietor for the payment of assessments, in such way and manner as said corporation may, by their rules and regulations, determine and agree upon. *Provided, however*, That the value of buildings which may be owned by the said corporation at any one time, shall not exceed forty thousand dollars in value, exclusive of such as may be taken as security for debts.

Proviso.

Property of individuals of the Corporation liable.

SECT. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts in manner prescribed by an act entitled "an Act directing the mode of attachment on

on mesne process, and selling by execution shares of debtors in incorporated companies," passed the eighth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 5. *Be it further enacted*, That Samuel Archer, Robert Stone, Jun. and Joseph White, Jun. or any two of them, may call the first meeting, by advertising the same in any one of the publick newspapers printed in Salem, at least three days before the time of meeting, and at that or any other meeting may elect a Moderator, President, Treasurer, Clerk, Secretary, or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, or on any other occasion, when it shall be required by a majority in value of the members present, the votes shall be given by shares, allowing one vote to each share. *Provided only*, That no member shall have more than ten votes.

Persons authorized to call meetings.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to give to said proprietors any right or authority to take or appropriate to their use, the land, right or privilege of any person or persons without his or their consent, and by a legal conveyance thereof from such person or persons to the said corporation.

Restrictions.

SECT. 7. *Be it further enacted*. That after the expiration of ten years the Legislature shall have power to alter, amend or repeal this act. *Provided, however*, That upon such repeal all real estate then belonging to said corporation, shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common, in proportion and according to the number of shares which they may then hold. *And provided further*, That the said proprietors, notwithstanding such repeal by the Legislature, shall have power, in their corporate name and capacity aforesaid, to sue for, recover and divide all sums of money and debts which may then be thereto due and unpaid.

Provisions for altering, amending or repealing the act.

[This Act passed June 10, 1808.]

CHAP. XII.

An Act in addition to an act entitled “ an Act to incorporate certain persons to lay out and build a Turnpike Road and Bridges, from the Post Office near the Great Ponds, in the town of Middleborough, to the Braintree and Weymouth Turnpike, leading from Weymouth Landing to Queen Ann’s corner, in Hingham.”

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the New-Bedford and Bridgewater Turnpike Corporation, may erect one half toll gate in addition to the gates already allowed them, and may also, if they see fit, divide one or both of the gates heretofore allowed them by law, into half toll gates.

SECT. 2. *Be it further enacted,* That if any person with a team, cattle, horse or horses, turn out of said road to pass any of the turnpike gates aforesaid, with an intent to avoid any toll established as aforesaid, such person shall forfeit and pay a fine not exceeding three dollars, nor less than one dollar, to be recovered by the Treasurer of said Corporation to their use, in an action on the case. *Provided,* that the Legislature may at any time hereafter repeal or alter this act, as it may see cause.

Fine for evading
toll.

[This Act passed June 10, 1808.]

CHAP. XIII.

An Act to set off Samuel Spofford, with his dwelling-house and adjoining land, from the town of Rowley, and annex the same to the town of Boxford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Spofford, with that part of his dwelling house situate in Rowley, and also all the land lying on the southwardly and westwardly side of the following lines, viz. beginning at a stake and stones in the line between the towns of Rowley and Boxford ; from thence running south thirty-four degrees east, eighteen rods and fifteen links ; thence running south nineteen degrees east, nineteen rods and nine links ; from thence running south five degrees west, two rods and twelve links, to Salem road ; from thence running south-eastwardly, and on the north-eastwardly side of Salem road, about thirty-

seven rods, to the line between Rowley and Boxford, be, and hereby are annexed to the town of Boxford, in the county of Essex. *Provided*, That the said Samuel Spoford be held to pay all the taxes that have been assessed on him in the town of Rowley, together with his proportion of all sums that have been voted to be raised, and are now unassessed in Rowley.

[This Act passed *June 10, 1808.*]

CHAP. XIV.

An Act to set off Thomas Woodberry, Jun. and others, from the first Parish in Beverly, and to annex them to the third Congregational Society in said Beverly.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Woodberry, Jun. Benjamin G. Bridges, George Ogilvie, Samuel Haskell, Ingalls Kitteridge, Israel Green, William Claxton, Robert Haskell, Jun. John Cavendish, Judith Blyth, Leman Herrick, Nabby Larcom, Joseph Whittridge, and Luke Elliott, of Beverly, in the county of Essex, with their polls, families and estates, be, and hereby are set off from the first Parish and annexed to the third Congregational Society in said Beverly. *Provided nevertheless*, That each person shall be held to pay all taxes legally assessed on them by the said first Parish prior to this date.

[This Act passed *June 10, 1808.*]

CHAP. XV.

An Act in addition to an act entitled "an Act to incorporate Aaron Davis and others, by the name of the Worcester Turnpike Corporation," passed the seventh day March, in the year of our Lord one thousand eight hundred and six.

WHEREAS doubts have arisen whether the Committee named and appointed in and by an Act entitled "an Act to incorporate Aaron Davis and others, by the name of the Worcester Turnpike Corporation," are therein authorized and empowered to do and perform the several duties therein contemplated, and to make a return of their doings to the several Courts of Common Pleas in the Counties through which said road is located; and whether

Preamble

whether said several Courts of Common Pleas are, in and by said Act to which this is in addition, authorized, empowered and directed to receive, accept, allow and record the reports and returns of the doings of said Committee, so as to be binding on all parties, and effectual in law to enable said Corporation to accomplish the objects of their institution :—For the removal whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Committee named and appointed in and by said Act to which this is in addition, be, and they hereby are authorized and invested with full power to do and perform all and singular the several duties assigned to them, and contemplated to be done in and by said Act to which this is in addition, so as to enable said Corporation to effect the object of its institution, and all the acts and doings of said Committee heretofore done, or which may hereafter be done in pursuance, and by virtue of said Act to which this is in addition, shall be as valid and as effectual in law, and as binding on all persons and parties, to all intents and purposes, as the doings of any Committee legally appointed by any Court of Sessions or General Sessions of the Peace, within the several counties through which said road is located, for any of the same purposes, or for the purposes of laying out publick highways might or could have been, any law or custom to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That whenever said Committee, named and appointed in and by said Act to which this is in addition, shall have finished any of the duties assigned them in any county, through which said road is located, they shall make a return thereof to the next Court of Common Pleas to be holden in such County; and the several Courts of Common Pleas in the several Counties through which said road passes, are hereby authorized, empowered and directed to receive, accept, allow and record the several returns and reports of the doings of the said Committee to them made, and to make up judgment and issue execution accordingly, granting however, and saving to all persons and parties, who think themselves aggrieved by the doings of said Committee, the right of claiming and prosecuting appeals from the doings of said Committee, to be heard and tried by a jury of said several Courts of Common Pleas, in the same manner as is provided and allowed by law for claiming and prosecuting appeals from the reports,

Powers of the
Committee.

Doings confirm-
ed.

Committee to
make return.

Persons aggriev-
ed.

ports, awards and doings of Committees appointed by the Courts of Sessions or General Sessions of the Peace, for laying out publick highways; and provided that said Committee make report of the location of said road, and of the damages assessed within six months.

SEC. 3. *And be it further enacted*, That all the doings of said Corporation and their agents, heretofore done, or which may hereafter be done, in pursuance and by virtue of said Act to which this is in addition, or in pursuance and by virtue of the doings of said Committee therein appointed, shall be, and hereby are declared and made valid and effectual in law to all intents and purposes, as if this Act and the powers herein specified, declared and given, had been contained, given and confirmed in said original Act to which this is in addition, any law, usage or custom to the contrary notwithstanding.

Former doings confirmed.

[This Act passed June 10, 1808.]

CHAP. XVI.

An Act in addition to an Act entitled "an Act for incorporating certain persons for the purpose of building a Bridge over Connecticut River, between the towns of Springfield and West-Springfield, and for supporting the same.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, so much of the fourth section of an Act entitled "an Act for incorporating certain persons for the purpose of building a Bridge over Connecticut River, between the towns of Springfield and West Springfield, and for supporting the same," as relates to the rate of toll thereby granted and established, be, and hereby is repealed, and that there be granted and established the following rates of toll for the sole use of the Proprietors of said Bridge, to wit: for each foot passenger three cents; for each horse and rider seven cents; for each horse and chaise, chair or sulkey sixteen cents; for each coach, chariot, phaeton or other four wheel carriage for passengers, if drawn by two horses, thirty-three cents; for each additional horse six cents; for each curicle, or other two wheel carriage for passengers, drawn by more than one horse twenty-five cents; for each sleigh drawn by one horse ten cents; if by two horses, twelve cents and five mills; and for each additional horse three

Rate of toll altered.

Rate of toll established

D d d

cents;

Proviso.

cents ; for each cart, sled or other carriage of burthen drawn by one beast ten cents ; if drawn by two beasts sixteen cents ; and if by more and not exceeding four beasts twenty cents ; and for each additional beast four cents ; for each horse, ass or mule without a rider, and for neat cattle, each four cents ; for sheep and swine one cent each ; and one person and no more shall be allowed to each team to pass free of toll. *Provided nevertheless*, That the toll to be received for teams drawn by not more than four beasts with carriages of burthen, carrying loads not exceeding thirty hundred weight, belonging to the inhabitants of either of the towns of Springfield or West Springfield, passing said bridge for transporting the produce of the lands of such inhabitants from their lands to their dwelling place, or passing to cultivate said lands, shall be only twelve cents and five mills.

SECT. 2. *Be it further enacted*, That no team shall pass said Bridge with loads exceeding forty-five hundred weight.

Corporation may
commute the
toll.

SECT. 3. *Be it further enacted*, That said Corporation may, if they see cause, commute the rates of toll with any person or persons, by taking of him or them a certain less sum in lieu of the toll aforesaid.

[This Act passed June 10, 1808.]

CHAP. XVII.

An Act in addition to an Act entitled "an Act to incorporate Joseph Newell, Ebenezer Niles, Abner Gardner and others, for the purpose of building a Bridge across Mill-Creek."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of Commercial Point Bridge Corporation, be, and they are hereby authorized to build a Mill dam instead of a Bridge, over Mill-Creek, so called, in Dorchester, and to open and make a road from the road leading from Neponset Bridge, on the westerly side of Blackbird swamp, so called, over said Mill dam, to Preston's gate, so called ; and also a Bridge and a road from the last mentioned road, over Back Warwicke Creek, so called, to the road leading over the present Mill dam, which road shall not be less than forty feet in width and may purchase real estate, not exceeding thirty thousand dollars in value ; and may erect mills and other buildings

ings thereon ; and may hold, sell, exchange and dispose of their real estate at pleasure ; and for such purposes may make such contracts as they may think expedient.

SEC. 2. *Be it further enacted,* That said Corporation shall erect, and forever keep in repair, one or more grist-mills on said dam, or its waters ; and that nothing in this Act shall be so construed as to prevent any person or Corporation who shall be injured in his or their other property by the erecting of said dam, from maintaining an action against said Corporation, for recovering damages sustained by means of said dam.

This Corporation to erect mills.

Liable for damages.

SECT. 3. *Be it further enacted,* That said Corporation shall be holden to make a lock, sluice or gates, twenty-seven feet in width, in the clear, over the channel, in said dam, so that vessels of one hundred tons burthen may pass and repass ; and whenever they are requested by any person or persons who wish to pass with his or their vessel or vessels, shall open said passage when the waters will permit the same to pass ; and for this purpose, shall appoint an Agent, and in case said agent refuse or unreasonably neglect to open said passage as aforesaid, then the Corporation shall forfeit and pay to the person or persons requesting the same to be opened, double the amount of the damage which such person or persons shall sustain by means of said agents neglecting or refusing to open the passage as aforesaid.

Are holden to provide a passage for vessels.

Penalty for neglect.

SECT. 4. *Be it further enacted,* That said Corporation may purchase and hold any land over which they may make said road, and shall be holden to pay all damages which shall arise to any person by taking his land for their use, or for any road ; and when they cannot be settled by mutual agreement, shall be estimated by a committee to be appointed by the Court of General Sessions of the Peace, reserving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages sustained by laying out highways.

Conditions on which lands may be purchased.

SECT. 5. *Be it further enacted,* That when said dam, bridge and roads are completed as aforesaid, the Corporation shall receive three hundred dollars, as voted by the town of Dorchester, provided the same be completed within five years from the passing of this Act, and the town of Dorchester shall be at no further expense on account of said roads, until they are accepted by the town.

SECT. 6. *Be it further enacted,* That the stock, property and estate of said Corporation be divided into shares, which shall be personal estate ; and said shares shall be transferable by deed acknowledged before a Justice of the Peace,

Shares.

Peace, and recorded by the Clerk of said Corporation; and said Proprietors may make assessments on said shares, and after fourteen days notice to the Stockholder, may sell at auction, his or her share or shares to pay the assessment or assessments due thereon, and necessary charges.

Estate of Corporation liable.

SECT. 7. *Be it further enacted,* That the real estate of said Corporation, shall be liable for the debts of said Corporation, and shall be liable to attachment and execution in the same manner as other real estate, and the Corporation shall have the right of redeeming the same. And when any share or shares of any individual member of said Corporation shall be attached on mesne process, or taken on execution, a certified copy of the process at the time of attachment or taking on execution, shall be left with the Clerk of said Corporation, otherwise such attachment or taking shall be invalid, and such share or shares may be sold on execution in the same way and manner as is or may be provided by law for making sale of personal estate on execution. And the officer making sale, the judgment creditor or the vendee, leaving a copy of the execution and the officer's return thereon, with the Clerk of said Corporation, within fourteen days after such sale, and paying for recording the same, shall be deemed and taken as a complete transfer of such share or shares therein.

Denomination.

SECT. 8. *Be it further enacted,* That henceforth said Corporation be denominated and called Dorchester Mill Corporation; and that Joseph Newell, Ebenezer Niles and Abner Gardner, or any two of them, are hereby authorized to call the first meeting of said Proprietors, in such manner and at such time and place as they shall think expedient. And said Proprietors, by a vote of those present, or represented by written proxies, provided no Proprietor have more than ten votes, shall choose a Clerk, who shall be sworn to the faithful discharge of his duty, and may choose such other officers as they shall think necessary for the due regulation and government of said Corporation, and may agree upon the method of calling future meetings.

Clerk.

[This Act passed June 10, 1808.]

CHAP. XVIII.

An Act to incorporate a number of the inhabitants of the towns of Gray and Windham, in the county of Cumberland, into a distinct and separate religious Society by the name of the Methodist Society in Gray and Windham.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Ramsdell, William Burnett, Gideon Ramsdell, Jun. Phineas Burnett, Jun. David Bennet, Reuben Hill, Stephen Pennell, Joseph Pennell, Jun. Israel Jordan, Jeremiah Pennell, Joseph Huston, Judah Dyer, Ephraim Staple, Levi Morse, Richard Colly, Zacharias Fletcher, Isaac Fogg, Silas Fogg, Jonah Austin, Joseph Allen, Jedediah Eliot, John Manchester, Stephen Austin, David Small, James Frank, Charles Elder, Benjamin Libby, Samuel Waterhouse, Levi Knight, Gershom Manchester, John Knight, Thomas Hatch, Edvardus King, Eliab King, Moses Hunt, James Barnes, Edward Harman, Samuel Skillin, Joseph Skillin, Elias Harman, Abraham Perley, Isaac Perley, Ebenezer Stowell, Isaac Stowell, Almery Hamblin, Moses Libby, Andrew Libby, jun. Nathaniel Hucks, Edmund Pray, Daniel Dunn, Seth Ramsdell, Pelatiah Berry, Josiah Clark, Joseph Weeks, Benjamin Cummings, James Colley, Jonathan Libby, Israel Hunt, Nathan Hunt, Thomas Dutton, Simon Libby, Thomas Mayo, Samuel A. Nash, John Morse, Joseph Morse, Joel Whitney, John Morse, Jun. David Morse, William Morse, Alexander Ross, Amos Cummings, William Dolbey, John Starbird, Robert Starbird, James Humphreys, Jun. Joseph Foster, Isaac Small, Micah Whitney and James Franks, Jun. members of said religious Society, with their families and estates, be, and hereby are incorporated into a religious Society by the name of the *Methodist Society in Gray and Windham*, with all the powers, privileges and immunities to which other parishes within this Commonwealth are by law entitled: *Provided, however,* that the persons set off as aforesaid, shall be held to pay their proportion of all monies assessed in each of said towns for parochial purposes, previous to the passing of this act.

Persons Incorporated.

Proviso.

SECT. 2. *And be it further enacted,* That any Justice of the Peace in the county of Cumberland be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable member of said Society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose, in the months of March or April, annually.

Justice authorized to issue warrants.

[This Act passed June 10, 1808.]

CHAP. XIX.

An Act regulating the commencement of certain actions, in which the Inhabitants of the Town of Boston, in the County of Suffolk, shall be a party.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all actions to be commenced hereafter, wherein the inhabitants of the town of Boston, in the county of Suffolk, in their corporate capacity, shall sue or be sued, and which cannot now by law be brought in any other county than the county of Suffolk, may and shall be brought in the county of Norfolk, any law to the contrary notwithstanding.

What actions.

To be brought in the County of Norfolk.

SECT. 2. *Be it further enacted,* That the Sheriff of the county of Suffolk, or his deputy, be, and hereby he is authorized to serve and execute within the said county of Suffolk, all writs and precepts to the said Sheriff, or his deputy, legally directed, wherein the said inhabitants of the town of Boston may be a party, notwithstanding the said Sheriff or his deputy may be an inhabitant of said town.

[This Act passed June 10, 1808.]

CHAP. XX.

An act in addition to an act entitled "An act to authorize the several Banks incorporated within this Commonwealth, to issue bills of the denomination of One, Two and Three Dollars.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Maine Bank, be, and they hereby are authorized and empowered to make a new impression of Bills of the denomination of One, Two and Three Dollars, subject however, to all the restrictions, rules and regulations prescribed in and by an act entitled "An act to authorize the several Banks incorporated within this Commonwealth, to issue Bills of the denomination of One, Two and Three Dollars. *Provided always,* That nothing herein contained shall be construed to authorize the said Bank to have and keep in circulation Bills of the denomination aforesaid, to an amount exceeding five per cent of their capital stock, actually paid in.

Not to exceed five per cent of their capital.

[This Act passed June 10, 1808.]

CHAP.

CHAP. XXI.

An Act for altering the terms of the Municipal Court of the Town of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Municipal Court, of the town of Boston, shall in future be holden on the first Monday of every month, annually, with power of adjourning as heretofore by law enacted, excepting the two months of April and October ; and that the terms now by law established for holden the said Court in those two months annually, be, and hereby are abolished.

[This Act passed June 10, 1808.]

CHAP. XXII.

An Act to alter the names of certain persons therein named.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, Samuel Knapp, of Haverhill, in the County of Essex, Gentleman, be allowed to take the name of Samuel Lorenzo Knapp ; and that Samuel Fales, of Boston, in the County of Suffolk, Trader, son of Nehemiah Fales, late of Dedham, in the County of Norfolk, Yeoman, deceased, be allowed to take the name of Samuel Whiting Fales ; John Blake, of Boston, in the County of Suffolk, Merchant, be allowed to take the name of John H. Blake ; that Samuel Burling, of Boston, aforesaid, Merchant, be allowed to take the name of Samuel Curson : and said persons shall, in future, be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

[This Act passed June 10, 1808.]

I N D E X.



B

| | |
|-------------------------------------------------------------------------------------------|-----|
| BRIDGE , Hatfield Lottery—additional | 395 |
| Connecticut River, between Springfield and West Springfield—additional | 409 |
| Mill Creek, in Dorchester—additional | 410 |
| Bank, Maine, authorized to make new impressions of Bills of One, Two and Three Dollars | 414 |
| Boston, Municipal Court terms, altered | 415 |
| Actions, in which the town is a party, to be brought in Norfolk County | 414 |

C

| | |
|------------------------------------------|-----|
| Canal, Middlesex, proprietors—additional | 593 |
|------------------------------------------|-----|

I

| | |
|---------------------------------------------|-----|
| Insurance Company, Marine Boston—additional | 394 |
|---------------------------------------------|-----|

M

| | |
|-------------------------------------------------|-----|
| Mills, Charles River, Proprietors of—additional | 398 |
|-------------------------------------------------|-----|

N

| | |
|----------------------------------|-----|
| Names of certain persons altered | 415 |
|----------------------------------|-----|

P

| | |
|------------------------------------|-----|
| Pond-Street Corporation—additional | 393 |
|------------------------------------|-----|

S

| | |
|----------------------------------------------|-----|
| Society, Baptist, Egremont | 395 |
| Calvinistick Baptist, Freeport | 400 |
| Congregational First, Becket | 402 |
| Methodist, Gray and Windham | 413 |
| Salem Union-Street Corporation | 403 |
| Spofford, Samuel, set from Rowley to Boxford | 406 |

T

| | |
|------------------------------------------------------|-----|
| Turnpike, Douglas, Sutton and Oxford | 397 |
| and Bridges, Middleboro to Braintree—ad- ditional | 406 |
| Nashua—additional | 394 |
| Worcester—additional | 407 |

W

| | |
|-------------------------------------------------------------------------------------------------------|-----|
| Woodbury, Thomas, Jun. and others set from First Parish to Third Congregational Society in Beverly | 407 |
|-------------------------------------------------------------------------------------------------------|-----|



Index to the Laws passed from the 1st of June 1805, to the 19th March, 1806, may be found at the end of the winter Session of 1806. See Index at the end of the

LAWS

PASSED AT THE SESSION COMMENCED ON
THE NINTH OF NOVEMBER, 1808.

NAMES ALTERED. *November 17, An. 1808.*

CHAP. XXIII.

An act to change the name of Samuel M. Burnside, of Charlestown, in the County of Middlesex, and to render valid the doings of said Samuel, under the name of Samuel M. Burnside.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel M. Burnside, of Charlestown, in the County of Middlesex, shall be allowed to take the name of Samuel M. Burnside, and that in future he be known by the same, as his only legal and proper name, and that all the acts which heretofore he may have done, and performed, by the name of Samuel M. Burnside be and hereby are ratified and confirmed as far as respects the use of said name.

*Corrected by
Act of 4th
March, 1809.*

[This act passed Nov. 17, 1808.]

CHAP. XXIV.

An act to change the name of Harris Tuckerman.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, Harris Tuckerman, of Boston, in the County of Suffolk, Merchant, be allowed to take the name of Henry H. Tuckerman; and said Tuckerman shall in future be known and called by the name he is hereby allowed to take as aforesaid, and the same shall be considered his proper name to all intents and purposes.

[This act passed Nov. 17, 1808.]

E e e

CHAP.

CHAP. XXV.

An act to empower the several Towns in this Commonwealth to excuse such of their Inhabitants as are Engine men from serving as Jurors in any Court within this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all persons legally attached to any Engine within this Commonwealth, be and they hereby are excused from being chosen or drawn to serve as Jurors in any Court within this Commonwealth, in all cases where the town, to which such Engine men belong, shall at a legal meeting of its inhabitants, by vote declare the expediency of excusing such persons from serving as Jurors.

[This act passed Nov. 17, 1808.]

CHAP. XXVI.

An act to establish an Academy at Limerick, in the county of York, by the name of Phillips Limerick Academy.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Academy shall be, and hereby is established in the town of Limerick, in the county of York, for the purpose of promoting piety, religion and morality, and for the education of youth in such languages, and such of the liberal arts and sciences, as the trustees and their successors shall from time to time direct, and that the Honourable Joseph Leland, Esq. Ichabod Fairfield, John Low, Josiah Fowl, James Bradbury, Rev. Jonathan Atkinson, Rev. Edmund Eastman, Azael Cole, Isaac Lord, Samuel Bradbury, John M'Donald, John Baker, Edmund Hayes, William Swasey, Bordman Johnson, John Morrill, and Moses Philpot, be and they are hereby appointed Trustees of the said Academy, and they and their successors in the said trust are hereby made and declared to be a body politick and corporate, by the name of The Trustees of Phillips Limerick Academy, and the said Trustees shall have, hold, and continue to exercise all the powers and privileges incident and usually given to, and enjoyed by other Academies, and the number of the said Trustees, shall

Persons incorporated.

shall never exceed seventeen, nor be less than twelve, and *nine* shall constitute a quorum for doing business. And the said Trustees may keep, and use a common seal, which they may alter or change, when they see cause. And all Deeds or other Instruments made by the said Corporation, shall be sealed with their seal, and signed by the President or Secretary of the said Corporation, and executed, acknowledged, and delivered by the Treasurer, by order of the Trustees, and being so done shall be good and valid in law.

Number of
Trustees.

SECT. 2. *Be it further enacted*, That all the lands, monies or other property already subscribed, or which may hereafter be given, assigned or transferred to the said Trustees for the use of the said Academy, shall be received and held by them, and their successors in office in trust for the said Academy, and the said Trustees in behalf of said Academy, may also receive and hold in fee simple, by gift, grant, or otherwise, any lands or other estate, real or personal, provided the annual income thereof shall not exceed the sum of five thousand dollars, and the said Trustees may sell and dispose of the same, and apply the rents or profits thereof, in such way as they may determine will be most productive to the general interests of said Academy and the promotion of literature. And the said Trustees in their corporate capacity are hereby made capable in law to sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution by the name of Trustees of Phillips Limerick Academy.

Trustees may
hold real or per-
sonal estate.

SECT. 3. *Be it further enacted*, That the said Trustees shall have power to appoint a Secretary, Treasurer, and such other Officers and Instructors in the said Academy, as they may from time to time judge necessary; to fix the tenure of their several offices, and to define their respective powers and duties, to vacate the place of any Trustee, Officer or Instructor, when in their opinion by reason of age or otherwise, he is become incapable of discharging the duties of his office, and to fill all vacancies which may so happen; to fix the times and places for the meetings of the said Corporation and the mode of notifying the Members, and to prescribe and establish such reasonable Statutes and Bye-Laws, as will best promote and cultivate a spirit of obedience and just and mild government in the said Academy, and to annex reasonable penalties for neglect of duty, or breach of the laws, *Provided, however*, That such Statutes

Powers of
Trustees.

Provide
and

Bye-Laws, shall not in any case be repugnant to the Constitution and laws of this Commonwealth.

Lands granted.

SECT. 4. *Be it further enacted*, That there be and hereby is granted, for the use and benefit of the said Academy, one half Township of six miles square, of any of the unappropriated publick lands in the District of Maine (excepting the ten townships on Penobscot river, lately purchased by the Commonwealth of the Indians, and excepting also the land contracted to be sold to Jackson and Flint, and which contract is now rescinded) to be located and assigned under the direction of the Agents for the sale of Eastern Lands, subject to the reservations and restrictions made in like cases, on condition that the said Trustees shall within three year's from the passing of this act, produce satisfactory evidence to the said Agents, that the sum of three thousand Dollars has been actually subscribed, and security taken for the payment thereof, for the endowment of the said Academy, and appropriated to that use : *Provided also*, that the said corporation shall cause the said half township to be laid out within three years from the passing of this act ; and thereupon the said trustees, in behalf of the said Academy, shall receive of the said agents, in the name of the Commonwealth, a Deed of the said half township.

Proviso.

SECT. 5. *Be it further enacted*, That any Justice of the Peace for the County of York, is hereby authorized to appoint the time and place, for holding the first meeting of the said trustees, and to notify them thereof accordingly.

First meeting appointed.

[This act passed *November 17, 1808.*]

[END OF NOVEMBER SESSION, 1808.]

LAWS

PASSED AT THE SESSION COMMENCED ON
THE TWENTY-FIFTH OF JANUARY, 1809.

MAINE INSU. COM.

February 18, An. 1809.

CHAP. XXVII.

An act to render valid the doings of the Maine Fire and Marine Insurance Company.

WHEREAS, by the "Act to incorporate Hugh M'Lellan and others, into a company, by the name of The Maine Fire and Marine Insurance Company," which Preamble.

passed February the seventh, one thousand eight hundred; it is provided, that nine Directors of said company shall be elected on the first Tuesday of January in each and every year, at such times of the day, and at such place in the town of Portland, as a majority of the Directors for the time being shall appoint; of which election publick notice shall be given, in at least two of the newspapers, printed in the town of Portland, and continued for the space of twenty days, immediately preceding such election, and whereas the full notice required thereby, was through inadvertency not given prior to the election of the Directors, on the first Tuesday of January, A. D. one thousand eight hundred and nine: *Therefore,*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the acts and doings of the Stockholders of the Maine Fire and Marine Insurance Company at their annual meeting holden at Portland on the first Tuesday of January, A. D. One thousand eight hundred and nine, in the choice of nine Directors of said Company, shall be considered legal and valid, and the same are hereby rendered legal and valid, notice of said meeting, agreeable to the said act, not having been given to the contrary notwithstanding. Choice of Directors.

This act passed Feb. 18, 1809.

CHAP.

CHAP. XXVIII.

An act in addition to an act, entitled an "An act to prevent the destruction of Oysters, and other shell fish, in this Commonwealth."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the provisions, restrictions, and penalties of, and proceedings directed in an act passed in the year of our Lord, one thousand seven hundred and ninety-six, entitled "An act to prevent the destruction of Oysters, and other shell fish, in this Commonwealth," be, and the same are hereby extended to the town of Berkley, in the county of Bristol.

[This act passed February 18, 1809.]

CHAP. XXIX.

An act in addition to the several acts concerning Franklin Academy, in the north parish of Andover, in the County of Essex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act the number of the Trustees of "Franklin Academy" in the north parish of Andover, shall be *thirteen*, and said Trustees at their next annual meeting shall have power to elect and appoint three Trustees in addition to the present number of *ten*, so that the whole number of the board of Trustees for the said Franklin Academy shall hereafter be *Thirteen*.

[This act passed Feb. 18, 1809.]

CHAP. XXX.

An act in further addition to an Act entitled "An Act to establish a corporation by the name of the Union Turnpike Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Union Turnpike Corporation,

tion, be and they are hereby authorized to alter the location of the Union Turnpike Road from where it begins, at the end of the Fifth Massachusetts Turnpike, to the House of Joel Crosby in Leominster in such manner as to lay it out on the present travelled County road, any thing in said act to the contrary notwithstanding.

[This act passed Feb. 18, 1809.]

CHAP. XXXI.

An act to render valid and effectual certain doings of the Court of Sessions in the County of Washington.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the order passed at a Court of Sessions, holden by adjournment at Machias, in and for the County of Washington, in the month of November last, dividing said County into Jury Districts, be and the same is hereby declared and rendered as valid and effectual as though the said order had been passed by said Court of Sessions, previous to the first day of June last past.

[This act passed Feb. 22, 1809.]

CHAP. XXXII.

An act to establish the line of jurisdiction between the towns of Blanford and Russell, in the County of Hampshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line of Jurisdiction between the towns of Blanford and Russell in future be as follows, to wit: Beginning at a Birch tree, with stones about it, on Granville corner, and from thence running in a strait line North, sixteen degrees, fifty one minutes East, by the magnetick needle, nineteen hundred and forty rods to a Beech Tree, marked on the East and West side, with a great number of marks and letters, and from said tree North, twenty eight degrees, forty one minutes East, to Westfield river, the Corner of said town of Russell.

[This act passed Feb. 22, 1809.]

CHAP.

CHAP. XXXIII.

An act making a further alteration in the Toll of Essex Merrimack Bridge.

Preamble.

WHEREAS the proprietors of Essex Merrimack Bridge have represented to this Court that they have lately expended large sums of money, in repairing and rebuilding a part of said Bridge, and have prayed that further provision may be made to indemnify and compensate them ;

Rates of Toll.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, the proprietors of Essex Merrimack Bridge, shall be authorized to demand and receive as Toll for passing said Bridge, for each Horse and rider, five cents, and for each additional rider, one cent, for each Coach, Chariot, Phaeton, or other four wheel carriage for the conveyance of passengers, drawn by two beasts, twenty seven cents, and for each additional beast three cents, and that from and after the said first day of April next, the rates of toll heretofore established by law, for each horse and rider, and the said carriages, in this act mentioned, shall be, and hereby are repealed.

[This act passed Feb. 22, 1809.]

CHAP. XXXIV.

An act to establish the line of jurisdiction between the towns of Blandford and Chester, in the County of Hampshire.

Boundaries.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the line of jurisdiction between the towns of Blandford and Chester, in future shall be as follows, viz. Beginning at a large heap of stones, with trees marked, facing towards them ; said heap of stones is East, seventeen degrees thirty six minutes south, forty two rods distant from a beech tree in the line between Blandford and Becket, marked with various ancient marks ; which heap of stones is the corner of the town of Chester, and on the line of Blandford ; thence from said heap of stones East, seven-

teen

teen degrees thirty six minutes South, two thousand and seventeen rods to the East side of Westfield river.

[This act passed Feb. 22, 1809.]

CHAP. XXXV.

An act to incorporate the District of Leyden, in the County of Hampshire, into a town by the name of Leyden.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the District of Leyden, in the County of Hampshire, be, and hereby is made and constituted a town, by the name of Leyden; and the said town is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requirements of other towns, according to the Constitution and Laws of this Commonwealth.

SECT. 2. *Be it further enacted*, That the said town of Leyden shall bear its proportion of the pay of Representatives, heretofore chosen, in the same manner as if this act had not passed.

[This act passed Feb. 22, 1809.]

CHAP. XXXVI.

An act in addition to an act, entitled "An act to incorporate sundry persons by the name of The President, Directors, and Company of the Portland Bank."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors, and Company of the Portland Bank, shall be, and hereby are authorized and empowered to take and hold real estate, in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to the said company; and the same to use, sell and dispose of, at their pleasure; *any thing in any law to the contrary notwithstanding*:—*Provided al-* President, Directors, &c. to hold real estate.

Proviso.

of their capital stock.

SECT. 2. *Be it further enacted,* That all real estate, taken by said company, in satisfaction of debts due them, shall be sold and disposed of as soon as it can be done without sacrifice or injury to their interests, or sooner, if the demands against said company shall render it necessary.

Real estate taken, to be sold.

SECT. 3. *Be it further enacted,* That all mortgages heretofore taken by said company, as aforesaid, are hereby confirmed and rendered valid.

[This act passed *Feb. 23, 1809.*]

CHAP. XXXVII.

An act in addition to an act entitled “An act to incorporate William Starkey and others, by the name of The Marine Society.”

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Marine Society, incorporated by an act passed the twenty fifth day of January, One thousand seven hundred and fifty four, entitled, “An act to incorporate William Starkey and others, by the name of the Marine Society,” shall hereafter be called and known by the name of The Boston Marine Society; and by that name shall institute and defend all suits that may be brought for or against them; and said society are hereby authorized to make purchases, and to receive donations of real and personal estate, for the purposes expressed in the act to which this is in addition; the clear income of which, shall not at any time, exceed the sum of ten thousand dollars per annum, and to manage and dispose of said estate, as the said society shall see fit.

Powers.

SECT. 2. *Be it further enacted,* That so much of the said act as relates to the monthly meetings of said society, be, and hereby is repealed; and that said society shall be, and hereby are empowered to hold such meetings of said society as they, by their bye-laws, shall in future establish and appoint.

Meetings.

SECT. 3. *Be it further enacted,* That instead of Master; Deputy-Master, Treasurer and Clerk, the said society shall hereafter at their meetings, to be holden on the first Tuesday in November, annually, choose a President, Vice President, Treasurer, Secretary, and all other officers which they shall think proper, for the management and benefit of said

Officers to be chosen.

said society. And all instruments which said society shall make, pursuant to the votes thereof, at any regular meeting, shall be signed by the President, or, in his absence, by the Vice-President, countersigned by the Secretary or Treasurer, and sealed by their common seal; which, when delivered, shall be binding on said society, and be valid in law.

[This act passed Feb. 23, 1809.]

CHAP. XXXVIII.

An act to incorporate the plantation numbered One, in the second range of Townships on the east side of Kennebeck river, north of the Plymouth Claim, in the county of Kennebeck, into a town by the name of Solon.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Township numbered one, in the second range of Townships on the east side of Kennebeck river, north of the Plymouth Claim, in the county of Kennebeck, as described within the following bounds, with the inhabitants thereon, be, and the same are hereby incorporated and established a town by the name of Solon, viz. Bounded *North* by Bingham's purchase; *East* by the town of Athens; *South* by the town of Madison; and *West* by a line drawn on the middle of Kennebeck river: and the said town of *Solon* is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other towns, according to the Constitution and Laws of this Commonwealth.

Incorporated.

SECT. 2. *Be it further enacted*, That any Justice of the Peace for the county of Kennebeck, be, and he is hereby authorized to issue his Warrant, directed to some suitable inhabitant of the said town of Solon, requiring him to notify and warn the inhabitants of the said town qualified by law to vote in town affairs, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of all such officers as towns are by law required to choose, at their annual town meeting.

Justice to issue warrant.

[This act passed Feb. 23, 1809.]

CHAP.

CHAP. XXXIX.

An act to incorporate a Baptist Society in Boothbay.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Dunton, Benjamin Kelly, Eleazer Sherman, John Alley, Ephraim Alley, Stephen Lewis, William Lewis, Isaac Lewis, Timothy Dunton, Jun. Samuel Smith, Roger Sherman, Eleazer Sherman, Jun. Benjamin Kenney, Stephen Lewis, Jun. Joseph Lewis, John Matthews, Benjamin Lewis, John Brown, Jun. Israel Dunton, John Southward, Joseph Matthews, James Tibbets, Lemuel Lewis, Elisha Sherman, John Farnham, and Asa Hutchings, together with such others as may hereafter associate with them and their successors, with their families and estates, be and they hereby are incorporated into a religious society by the name of the Baptist Society in Boothbay, with all the powers and privileges to which other parishes or religious societies are entitled, by the Constitution and Laws of this Commonwealth.

Persons incor-
porated.

SECT. 2. *Be it further enacted*, That any person in the said town of Boothbay, being of the Baptist denomination, who may at any time hereafter actually become a member of, and unite in religious worship with the said society, and give in his or her name to the Clerk of said town, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of, and united in religious worship with said Society, fourteen days previous to the annual town meeting of said town, shall from and after the giving such certificate, with his or her polls and estate, be considered as part of said Society.

How to join the
society.

SECT. 3. *Be it further enacted*, That if any member of said Baptist Society, shall at any time see cause to leave the same, and unite with any other religious society in said town, and shall give notice of such intention, together with a certificate of membership, signed by the Clerk or Minister of said Society with which he or she shall unite, to the Clerk of said Baptist Society, and also to the Clerk of the said town of Boothbay, fourteen days previous to the annual town-meeting of said town in the month of March or April, such person shall, from and after the giving such notice, with his or her polls and estates, be considered as a member of the society to which he or she has united. *Provided however*, That every such person shall always be held to pay his

How to leave
the society,

Proviso.

his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid previous to the leaving such society.

SECT. 4. *Be it further enacted*, That either of the Justices of the Peace for the County of Lincoln, upon application therefor, is hereby authorized to issue a Warrant directed to some member of the said Baptist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of all such officers as other parishes or religious societies are by law required to choose at their annual meetings.

Justice to issue
warrant.

[This act passed Feb. 23, 1809.]

CHAP. XL.

An act to incorporate Shubael Bell and others into a society by the name of the Charitable Irish Society.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simon Elliot, Shubael Bell, Andrew Dunlap, John Magner, and John Gillis, and their associates, together with such others as may be admitted members of said association, be and they hereby are incorporated into a society by the name of The Charitable Irish Society, with power to have and use a common seal, to make contracts relative to the Charitable funds of said society, to sue and be sued, to establish bye-laws and orders for the regulation of said society, and the preservation and application of the funds thereof, *Provided* the same be not repugnant to the Constitution and Laws of this Commonwealth; and to take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise, or otherwise, and the same to improve, lease, exchange, or sell and convey for the sole benefit of said Institution. *Provided* the value of the real and personal estate of said society shall never in the whole exceed Twenty thousand Dollars.

Persons incor-
porated.

Proviso.

SECT. 2. *Be it further enacted*, That the said society shall meet annually on the seventeenth day of March, in Boston, (unless the same should fall upon a sunday, in which case the annual meeting shall always be holden on the day succeeding) for the purpose of electing by ballot from their members, a President, Vice-President, Treasurer, and such other

Time of meet-
ing.

other officers as may be necessary to manage their concerns, all which officers shall hold their said offices for one year, and until others shall be elected to succeed them. Upon any urgent occasion, the President, or Vice-President, or in their absence the Treasurer, may appoint a special meeting of said society, said meetings to be notified in two newspapers in said town, five days at least before holding the same. *Provided nevertheless*, That this act of incorporation, shall be determinable at the pleasure of the Legislature.

Provisó:

[This act passed Feb. 23, 1809.]

CHAP. XLI.

An act in addition to an act, entitled, "An act to incorporate James Gray and others, for the purpose of maintaining a Boom across Saco river, between Biddeford and Saco, in the County of York."

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any five of the persons named in the act to which this is in addition, may call a meeting of said proprietors, to be holden at any convenient time and place in the town of Saco, by posting up notifications thereof, ten days prior to the time of holding said meeting, in some publick place in the towns of Saco and Biddeford; and said proprietors at said meeting, shall have the same power and authority in calling future meetings, and be subject to the same rules that they are in the second section of the act to which this is in addition.

Meeting to be called.

SECT. 2. *Be it further enacted*, That said Proprietors be, and they are hereby authorized and empowered to build, and keep in repair, such side booms and piers above and below said main Boom, as may be necessary for securing and saving the timber and logs, coming down said river, and to facilitate the passing of rafts and logs through said main boom.

Proprietors empowered.

SECT. 3. *Be it further enacted*, That said Proprietors may, at any legal meeting called for that purpose, agree upon the number of shares into which such estate shall be divided, not exceeding one hundred; and upon the form of the certificate to be given to individuals, of the number of shares by them respectively held; and upon the mode and conditions

conditions of transferring the same; which shares shall be held and considered as personal estate, to all intents and purposes whatsoever. Said Proprietors shall also have power to assess upon each share, all such sums of money as may be necessary for building and repairing said boom, and the necessary side booms, and for the improvement and good management of said estate, and to sell and dispose of the share or shares of any delinquent proprietor, for the payment of his assessment, in such way and manner as said Corporation may by their rules and regulations determine and agree upon.

SECT. 4. *Be it further enacted*, That the several acts and doings of said Proprietors, at their former meetings, be and they are hereby confirmed and rendered valid and effectual in law, to all intents and purposes whatever.

[This act passed *Feb. 23, 1809.*]

CHAP. XLII.

An act in addition to an act, entitled, “An act to authorize John Wood, to build a mill-dam, with a passage way across Aponneganset River, in the town of Dartmouth,”² passed the sixth day of February, one thousand, eight hundred and seven.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Wood, be, and he is hereby authorized to enlarge his Mill-Pond, by extending his dam from the east side of said Wood’s pass-way, in the old dam, down Aponneganset river, south by east, until the southerly point of the marsh owned by Mary Akin, on the north west side of Garrison Creek, so called, bears east north east, and from thence to run the said dam to the point of said Akin’s marsh: *Provided however*, That the said John Wood shall not build the said dam in such direction, as to prevent or obstruct the free passage of any vessel or craft up or down the said Aponneganset river, or so as to cross over or interfere with the channel of the said Garrison Creek.

[This act passed *Feb. 23, 1809.*]

CHAP.

CHAP. XLIII.

An act to incorporate the District of Tyngsborough, in the county of Middlesex, into a town by the name of Tyngsborough.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the District of Tyngsborough, in the county of Middlesex, be, and it is hereby made and constituted a town by the name of Tyngsborough; and the said town is hereby vested with all the powers and privileges, and shall also be subject to the duties and requirements to which other towns are entitled and subjected, according to the Constitution and Laws of this Commonwealth: and the said town of Tyngsborough shall bear its proportion of the pay of Representatives heretofore chosen in like manner as if this act had not passed.

[This act passed February 23, 1809.]

CHAP. XLIV.

An act to set off certain land, from the town of Charlton, and to annex it to the town of Oxford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a tract of land containing about twenty six acres, belonging to Amasa Kingsbury, shall be taken from the town of Charlton, in the county of Worcester, and the same is hereby annexed to the town of Oxford, in the same county, bounded as follows, viz. Beginning at the Northeast corner of land of Sarah M'Intire; thence running Westwardly, by the land of said M'Intire, thirty eight rods, to land of Elihu Moffit; thence Northwardly, by land of said Moffit, one hundred and twelve rods, to a heap of stones; thence Eastwardly, by land of said Moffit, to the old town line of Oxford; thence Southwardly, on the said old town line, one hundred and twelve rods, to the first mentioned bounds. *Provided nevertheless,* That the said Amasa Kingsbury shall be held to pay all taxes already legally assessed on him by the said town of Charlton.

[This act passed Feb. 23, 1809.]

CHAP.

CHAP. XLV.

An act to incorporate a Baptist Society in the towns of
Barnstable and Yarmouth.

SECT. I. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gorham Lovel, Ichabod Lumbard, Daniel Baxter, Richard Lewis, Lemuel Lewis, Joshua Hawes, Timothy Baker, Anthony Chase, David Baxter, Jun. Prince Bearse, Jun. Robert Phinney, Solomon Crowel, Josiah Linnel, Zenas Gage, David Bearse, Jesse Bearse, William Scudder, Nathaniel Snow, Simeon Freeman, Eleazer Scudder, Polly Scudder, Joseph Gage, Gershom Bearse, Moses H. Bearse, Lemuel Lumbard, Solomon Lumbard, David Hamlin, James Lovel, Sally Baxter, Obed Baxter, Henry Hallet, Levi Linnel, Joshua Hallet, Jesse Lewis, Levi Bearse, David Hallet, Walter Baxter, Peter Norris, Jun. Timothy Hope, James Bearse, Jun. Daniel Bassett, Jonathan Snow, Ellis Norris, Samuel Snow, Isaac Baxter, Edward Bearse, Christopher Lovel, Daniel Lovel, Mary Ewer, Joseph Hallet, Jun. Solomon Stewart, Zachaeus Hamlin, George Lewis, Joseph Berry, Jabez Bacon, Silvanus Simons, John C. Keller, Joseph Kelly, Doane Snow, Thomas D. Scudder, Ansel Baxter, Hezekiah Lumbard, John Gallison, Richard Hallet, Joshua Hamlin, Jun. Nathaniel Bacon, Jun. John Robbins, Nathaniel Hallet, Jonathan Hallet, Thomas Cobb, Thomas Bearse. David Lathrop, John Crowel, Nathan Baker, Eleazer Baker, Baxter Bragg, Barnabas Baxter, Obed Bearse, Ezra Eldridge, Hiram Baker, Judah Bearse, Enoch Berry, Roland Hallet, Jun. Benjamin Hallet, James Lewis, Samuel Peak, Thaddeus Brown, Warren Hallet, Joseph Bearse, Ulysses Baker, Peter Norris, Timothy Hamlin, Peter Coleman, Owen Bacon, John Surgis, Jun. Alexander Baxter, Asa Bearse, Isaac Bearse, Jun. Joseph Bassett, Daniel Hallet, Edward Hallet, Samuel Holmes, Elisha Holmes, Peter Cammet, Lemuel Thomas, Jedediah Lumbard, Nathan Thomas, Samuel Hallet, Davis Chase, John Thompson, Samuel Bearse, Thomas Norris, Anthony Chase, Jun. Abner W. Lovel, with their families and estates; together with such others as may hereafter associate with them, and their successors, be and they are hereby incorporated into a religious society by the name of *The first Baptist Society in Barnstable and Yarmouth*, with all the powers and privileges to which parishes are entitled by the Constitution and Laws of this Commonwealth.

Persons
incorporated.

Empowered.

How to join the
society.

SECT. 2. *Be it further enacted*, That when any person belonging to either of the towns of Barnstable or Yarmouth, who may desire to join with, and become a member of the said Baptist Society, shall declare such intention in writing to the Clerk of said Society, fifteen days at least, previous to the annual meeting of said Society, and shall receive a certificate signed by the Minister or Clerk of said Society, that he or she has actually united with and become a member of said Society, and shall also leave an attested copy of such certificate, under the hand of the said Clerk, with the Parish or Society Clerk, to which he or she did belong, on or before the first day of March then next ensuing, such person from the date of such certificate shall be considered a member of said Baptist Society, with his or her polls and estate, and shall be exempted from all future taxation for the support of publick worship, in the Parish or Society which such person has left as aforesaid: *Provided however*, That such person shall be held to pay his or her proportion of all money assessed in said society, to which such person formerly belonged.

Proviso.

How to leave
the society.

SECT. 3. *Be it further enacted*, That when any member of said Baptist Society shall desire to leave the same and to join in religious worship with any other Society in the town in which such person may live, and shall give notice of such intention, to the Clerk of such other Society, fifteen days at least, previous to the annual meeting of such Society, and shall receive a certificate signed by the Clerk thereof, and shall also leave an attested copy of such certificate signed by said Clerk, with the Clerk of said Society, he or she did belong to, on or before the first day of March then next ensuing, such person shall be considered a member of such Society, he or she may so join, with his and her polls and estates, and shall be exempted from all future taxes for the support of publick worship in the society he or she has left as aforesaid.

Justice to issue
warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, is hereby authorized upon application in writing of ten or more members of the said Baptist Society, to issue his warrant directed to some member of said Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are authorized by law to choose at their annual meetings, and for such other purposes as may be contained in said warrant.

[This act passed Feb. 23, 1809.] CHAP.

CHAP. XLVI.

An act in addition to an act, defining the general powers and duties, and regulating the office of Sheriff.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in case of the death of the Sheriff of any county, any goaler, by him specially appointed, shall continue in the office of goaler, and retain and have the custody, rule, and charge of the goal of which he had the custody, rule and charge, under such Sheriff, and of all prisoners within such goal, or who may be afterwards committed to his custody, until a successor to such deceased Sheriff shall be appointed and qualified as the law directs; or until the Governour, by and with the advice of the Council, shall remove such goaler and appoint another person; which removal and appointment, the Governour, by and with the advice of the Council, is hereby authorized to make. And the goaler so appointed, shall give such bonds and in the same manner, as is required of a Sheriff, for the faithful performance of the duties of his office; and shall continue in office during the vacancy in the office of Sheriff.

Goaler to hold his office.

SECT. 2. *Be it further enacted*, That the defaults or misfeasances in office, of any goaler, or deputy-sheriff, after the death or resignation of any sheriff, by whom he was appointed, shall be adjudged a breach of the condition of the bond given by such sheriff: *Provided, however*, that this act shall not be construed to make any surety, in any such bond, which has heretofore been given by such sheriff, liable to any suit which could not heretofore be legally prosecuted against him.

In case of defaults.

Proviso.

And, whereas, doubts have arisen respecting the authority and duty of deputy-sheriffs, to execute such precepts as may be in their hands at the time of the accruing of a vacancy in the office of sheriff in certain cases:—*Therefore*,

SECT. 3. *Be it further enacted*, That in every case of a vacancy in the office of sheriff in any county, by death, resignation, removal, or otherwise, every deputy-sheriff, in office under such sheriff, having any writ or precept in his hands, at the time of such vacancy, shall have the same authority, and shall be under the same obligation to serve, execute, and return such writ or precept, as if such sheriff had continued in office.

[This act passed Feb. 24, 1809.

CHAP. XLVII.

An act to incorporate certain persons as Trustees, to improve and manage a Fund towards the support of Schools, in the north-westerly parish in the town of Boxford.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lemuel Wood, Ebenezer Peabody, John Kimball, Israel Foster, John Tyler, Isaac Barker, and Samuel Spofford, living in the second, or north-westerly parish in the town of Boxford, be, and they hereby are appointed Trustees, to receive, hold, manage and improve, all the lands, buildings and estate, devised by the last Will and Testament of Sarah Chadwick, late of Boxford, in the County of Essex, widow, deceased, to the use and support of Schools, within, and for the benefit of that part of the inhabitants of said Boxford, living within the said second, or north-westerly parish, including the fifth and sixth School Districts within said town of Boxford, according to the purposes of said devise; and shall constitute a body politick and corporate, to have perpetual succession, for the due and faithful management of said trust, and shall be vested with all the powers incident to corporations, necessary and requisite for that purpose.

SECT. 2. *Be it further enacted,* That the trustees before mentioned, and their successors, shall for ever hereafter hold a meeting in said parish, in the month of April annually, the time and place of said meeting to be notified by the major part of the trustees, by posting an advertisement thereof in some publick place in said parish, seven days at least before the time of said meeting; at such meeting, the major part of the trustees being present, shall annually choose a Treasurer, who shall be an inhabitant of said parish, with whom the money constituting the funds may be deposited, and who shall, under the control, and by the orders of the trustees, or the major part of them, receive in, deliver over, and pay out, such estate, property, and securities, as may be entrusted to his care. And the person, so chosen and accepting the trust, shall give bond, *if required,* for the faithful performance of his duty; and the major part of the trustees, at such meetings, are also empowered to choose a Clerk annually, who shall be an inhabitant of said parish, and shall be duly sworn to record the doings and proceedings of the trustees; and the said trustees are farther empowered, at any of their meetings, called

Trustees appointed.

Annual meeting.

Treasurer to give bonds.

Clerk's duty.

in manner aforesaid, to fill up all vacancies, occasioned by the death, resignation, or removal, of any of the trustees out of said parish, and no person shall be elected a trustee unless he be at the time an inhabitant of said parish.

SECT. 3. *Be it further enacted*, That the Trustees beforementioned, and their successors in office, be, and hereby are invested with sufficient power to receive, improve, and manage, all future subscriptions, grants, and donations, that may hereafter be made for the support of schools, to the benefit of that part of the inhabitants of said Boxford, within the districts and parish aforesaid; and to make such bye-laws and regulations respecting the schools supported by the said funds as may be necessary for the well ordering the affairs thereof, which shall be binding upon the inhabitants of said districts and parish, if not repugnant to the Constitution and laws of this Commonwealth; *Provided*, the subscriptions, grants, and donations, in addition to the estate devised by the aforesaid Sarah Chadwick, shall not in personal estate exceed the sum of eight thousand dollars, and real estate not exceeding the value of five thousand dollars; and may place the money under their care at interest on good security at their discretion; and may improve, manage, and lease the real estate, and apply the income and profits arising therefrom, or any part thereof, annually, towards the support of schools for the benefit of the inhabitants of said districts and parish within the town of Boxford, but shall not in any case lessen or expend any part of the principal, or capital stock of said funds.

Trustees em-
powered.

Proviso.

SECT. 4. *Be it further enacted*, That the Trustees or the major part of them, be, and hereby are impowered annually, and whenever they think proper, to call a meeting of the inhabitants of the aforesaid parish and districts, giving at least seven days publick notice of the time, place, and purposes, of such meeting, by posting a notification thereof in some publick place in said parish; and at the request of ten of the said inhabitants, shall in manner aforesaid, call a meeting of the said inhabitants duly qualified to vote in town affairs, for the purpose of giving directions relative to the appropriation of the income of said funds; the doings of the said inhabitants at such meetings to be recorded by the clerk appointed by the Trustees; and at such meetings the Trustees shall lay before the said inhabitants an account of their proceedings, and the state of the funds.

To call meet-
ings.

[This act passed Feb. 27, 1809.]

CHAP. XLVIII.

An act to incorporate sundry persons into a company by the name of The Boylston Market Association.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Quincy Adams, Arnold Welles, Josiah Knapp, David Townsend, Daniel Baxter, Thomas Williams, Stephen Thayer, Ralph Inman Reed, and Joseph C. Dyer, together with such other persons as have associated, or may hereafter associate with them for the purposes hereinafter mentioned, while they shall be proprietors therein, shall be a corporation and body politic under the name of The Boylston Market Association: and by that name shall be capable in Law to sue and be sued, plead and be impleaded, defend and be defended, in all courts of record, or other courts or places whatsoever; to have and to use a common seal, and the same to break, alter and renew at pleasure.

Persons incor-
porated.

To hold real
estate.

Proviso.

SECT. 2. *Be it further enacted*, That the said Corporation shall have power to purchase, take and hold any real estate necessary or proper for the purpose of their institution: *Provided*, That such real estate shall not exceed at any one time One hundred thousand dollars in value. And all such real estate shall be deemed and considered to all intents and purposes as personal estate, and as such, with the other interest and estate in such propriety, shall be transferable by such mode of transfer as the directors of said Corporation shall agree on and determine: *Provided*, That the transfer shall be in writing, and recorded by the Clerk in the book or books of the Corporation.

General powers
and choice of
Directors.

SECT. 3. *Be it further enacted*, That the property, affairs, and concerns of the said corporation, shall be managed and conducted by five directors, one of whom shall be president thereof, who shall hold their offices during one year, and until others are chosen; and who shall at the times of their election be proprietors in said corporation, and shall be elected on the first Monday of February in each and every year, at such time and place, in the town of Boston, as the directors for the time being shall appoint, of which election publick notice shall be given in two of the newspapers printed in the town of Boston, within ten days immediately preceding such election; and the election shall be made by ballot by a majority of the votes of the stockholders present, and the number of votes to which each stockholder

stockholder shall be entitled, shall be according to the number of shares which he or she may hold, in the following proportions : That is to say, for one share one vote, and every two shares above one shall give a right to one vote more : *Provided*, no one member shall have more than ten votes ; and absent members may vote by proxy, being authorized in writing. And if through any unavoidable accident, the said directors should not be chosen on the first Monday of February as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Provide.

SECT. 4. *Be it further enacted*, That the directors, or a major part of them, shall meet as soon as may be after every election, and shall choose out of their body one person to be president, who shall preside for one year ; and in case of the death, resignation, or inability to serve of the president, or so many of the directors as that the remaining number would be insufficient to constitute a board competent for the transaction of business, such vacancy or vacancies shall be filled for the residue of the year in which they may happen, by a special election for that purpose, to be held in the same manner as herein before directed.

Vacancies filled.

SECT. 5. *Be it further enacted*, That the president and two of the directors, or three of the directors in the absence of the president, shall be a board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to ordain, establish, and put in execution, such bye-laws and regulations, as to them shall appear needful and proper, touching the management of the affairs of the said corporation, and to make and execute contracts and leases by instruments signed by the president or any other person specially appointed for that purpose, and shall also have power to appoint a treasurer and a clerk, and such other officer and officers as may be necessary for the objects of the institution. And it shall be the duty of the clerk fairly and truly to enter and record, in a book or books to be provided and kept for that purpose, this act, and all rules, bye-laws, votes and proceedings of the said corporation, which book and books shall at all times be subject to the inspection of any person appointed for that purpose by the Legislature : *Provided*, that such bye-laws and regulations shall not be repugnant to the Constitution or Laws of this Commonwealth.

Directors empowered.

Clerk's duty.

Provide.

SECT.

SECT. 6. *Be it further enacted,* That to give effectual sanction to the said byc-laws, the said directors are hereby empowered to enjoin fines, for the non-fulfilment or breach of the same, not exceeding thirty dollars, for any one breach, and that for the recovery thereof, the said Corporation shall have a suitable remedy by action at law, in any court of law within this Commonwealth, proper to try the same.

Fines.

SECT. 7. *Be it further enacted,* That the said directors are hereby authorized to levy such assessments on the proprietors of the shares in said Corporation, which may be necessary for purchasing the land, erecting the building, and defraying the charges incident thereto, for the purpose of a Market, with a Hall over the same, and such apartments as may be convenient or necessary : *Provided,* That not more than one hundred dollars shall be assessed on each share ; and that the said assessments shall be made payable conformably to the subscriptions of the said associates, to the terms proposed by the said Ralph Inman Reed, and Joseph C. Dyer ;—and on the neglect or refusal of any proprietor to pay such assessment, the said directors are further authorized to sell at publick vendue so many of his or their shares as will be sufficient to pay such assessments, with necessary intervening charges, first advertising the sale of such share or shares in two of the newspapers printed in Boston, at least ten days previous to such sale—and the overplus monies (if any there may be) arising from such sale, shall be paid to the owner or owners of the share or shares so sold.

Assessments.

Proviso.

SECT. 8. *Be it further enacted,* That the Legislature may at any time hereafter, upon due notice to said Corporation, make such further provisions and regulations for the management of the said Corporation and the government thereof, as shall be deemed expedient.

SECT. 9. *Be it further enacted,* That the persons herein beforenamed or any three of them are hereby authorized to call a meeting of the proprietors of said Corporation, for the choice of the first board of directors, as soon as may be after the passing of this act, at such time and place as they may see fit, by advertising the same in two of the newspapers printed in Boston, within ten days immediately preceding such choice.

Meeting to be called.

[This act passed Feb. 27, 1809.]

CHAP.

CHAP. XLIX.

An act confirming the laying out the road of the Housatonic Turnpike Corporation, at and near the line of the State of New-York.

WHEREAS by an act passed on the eighth day of March last past, the Housatonic Turnpike Corporation were authorized to make alterations in the laying out of their road, upon a certain condition expressed in these words, that is to say, "*Provided notwithstanding*, that nothing in this act, shall be construed to authorize the said corporation or Committee to alter the location of the said road at either extremity of the same." Whereas the Committee upon viewing the said road did conceive it proper that the same should terminate at the extremity thereof where the same intersects the line of the State of New-York, a few rods south of the place whereupon the said line it had formerly terminated by a previous location thereof. And the said Committee did thereupon report to the Court of Sessions for the county of Berkshire the said alteration, and the said report was by the said Court accepted :

Preamble.

BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the alteration in the location of the Housatonic Turnpike Road, at and near the line of the State of New-York, and the acceptance thereof by the Court of Sessions for the county of Berkshire, be and the same hereby is confirmed and established, to all intents and purposes, as if the said recited condition had not been in the act aforesaid.

[This act passed Feb. 27, 1809.]

CHAP. L.

An act to incorporate Benjamin Dearborn and others into a Society by the name and style of *The Massachusetts Association* for the encouragement of useful inventions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Dearborn, Jacob*

Persons incorporated.

Welsh, William Coolidge, George Odiorn, George G. Lee, Jacob Perkins, Simon Willard, John Eveleth, Joshua Witherlee, John Fairbanks, Josiah Loring, David Cobb,

H h h

and

and their associates, with such other persons as may be elected members of said Association, be and they are hereby formed into a Body Politick and Corporate by the name of the *Massachusetts Association* for the encouragement of useful inventions, for the purpose of promoting and encouraging new and useful mechanical inventions, by premiums and medals, establishing a private cabinet for depositing the first outlines of new inventions, and a publick Cabinet of Models and descriptions, and that they and their successors, shall be, and continue a Body Politick and Corporate by the same name forever. *Provided nevertheless*, That the Legislature may dissolve said Corporation whenever its continuance shall be found prejudicial to this Commonwealth.

For what purpose.

SECT. 2. *Be it further enacted*, That the said association shall meet on the first Thursday of June, annually, for the choice of officers, at which time they may elect a President, one or more Vice-Presidents, Secretaries, and such other officers as they shall judge necessary or expedient, and they shall have full power and authority from time to time to determine the names, number, and duties of their several officers, and the tenure or estate they shall respectively have in their offices, *Provided* the same be not repugnant to the Laws of this Commonwealth; and the said annual meeting shall be held in the town of Boston, unless sickness or some other cause renders it hazardous, and the time and place of said meeting shall be notified in some one or more of the Boston newspapers, at least seven days previous thereto. All the officers elected at said meeting, shall hold their offices for one year, and until others shall be elected to succeed them. *Provided notwithstanding*, That said association may remove any of their officers for mal-conduct.

Powers of officers.

Proviso.

SECT. 3. *Be it further enacted*, That the said association may have one common seal, to be used in such of their transactions, as they shall determine; and that they may sue and be sued, and may establish rules, orders, and bye-laws, for the government of said association, and for the security and application of the funds thereof, *Provided* the same be not repugnant to the Constitution and laws of this Commonwealth; and may take, hold and possess any estate real or personal, by subscription, gift, grant, purchase, devise, or otherwise, and the same may improve, lease, exchange, or sell and convey, for the sole benefit of said institution. *Provided* the value of the real estate of said association shall never at any one time exceed the sum of fifty thousand dollars.

Association may hold any estate.

SECT. 4. *Be it further enacted*, That the said association shall have full power and authority to establish such pecuniary fines and penalties as they shall judge proper, not exceeding four dollars for any one offence.

Fines.

[This act passed *Feb. 27, 1809.*]

CHAP. LI.

An act to incorporate Rufus Pierce and others, for certain purposes.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Rufus Peirce, and others, who now are, and who may hereafter become his associates, be, and hereby are authorized and empowered, to make a Causeway, not less than twelve feet wide, over certain marsh, from the road leading from Quincy to Squantum, (so called) to the upland belonging to Col. John Pope in Dorchester.

Powers.

SECT. 2. *Be it further enacted*, That the said Rufus Pierce and others, be, and hereby are allowed and empowered to raise by assessment, or tax, to be levied on all the proprietors of said Causeway, in proportion to the quantity of their land to which the same leads, or which may be benefited thereby, such sum or sums for defraying the charges of making and maintaining said Causeway, as shall be agreed upon by the proprietors, their heirs, or assigns, or the major part of them, assembled at any legal meeting to be called for that purpose; the meeting of the said proprietors to be called and conducted in the same manner as those of the proprietors of common lands, prescribed by an act passed the tenth day of March, one thousand seven hundred and eighty four, relating to lands, wharves and other real estate, undivided and lying in common. And the said proprietors are hereby authorized and empowered to choose all such officers as may be necessary for managing the business aforesaid, in the same manner as proprietors of common lands are by law empowered to choose officers, at their legal meetings.

Assessments.

Officers.

SECT. 3. *Be it further enacted*, that if any person interested in said causeway, shall, for the space of six months, neglect to pay the sum duly assessed for him to pay, and of which the delinquent shall have received six months notice from the Collector, Treasurer or Clerk of said proprietors,

tors,

tors, then the said proprietors, for the purpose of paying such delinquent's assessment, are hereby authorized and fully empowered, to direct their Collector, Clerk, or Treasurer from time to time, at publick vendue to sell and convey so much of such delinquent's land as near as may be to said causeway, as will be sufficient to defray the sum assessed on him, and all reasonable charges attending such sale; notice of such sale, and of the time and place being given, by publishing an advertisement thereof, in two of the newspapers printed in Boston, five weeks successively before the time of sale. And the proprietors may, by their Clerk, execute a deed of conveyance of the land thus sold, unto the purchaser; wherein shall be conveyed all the right and title which said delinquent proprietor formerly had in said land thus sold and conveyed. *Provided nevertheless*, that the person whose land shall be sold, shall have liberty to redeem the same, at any time within one year after such sale, by paying the sum his land was sold for, and charges, together with twelve per centum on the sum produced by such sale.

SECT. 4. *Be it further enacted*, that the proprietors of said causeway, and of the land thereto adjacent, are hereby empowered to order and manage all affairs relative to the making and maintaining the said causeway, in such way and manner, as shall be concluded and agreed on, by the major part of those who are therein interested, present at any legal meeting; the votes to be collected and accounted according to the number of acres owned by the proprietors of said causeway.

[This act passed *Feb. 27, 1809.*]

CHAP. LII.

An act providing for the appointment of Inspectors, and regulating the manufactory of Gun-Powder.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That his Excellency the Governour, by and with the advice of Council, be, and he is hereby authorized to appoint an Inspector of gun-powder for every publick powder magazine, and at every manufactory of gun-powder in this Commonwealth, and at such other places, as may by him be thought necessary; and his Excellency the Governour, by and with the advice of Council,

is

Land of delin-
to be sold for
taxes.

Proviso.

Governour to
appoint inspec-
tors.

is hereby further authorized and empowered to remove said Inspectors, or any of them at pleasure, and may by new appointments from time to time fill any vacancy, or vacancies which may happen.

SECT. 2. *Be it further enacted,* That from and after the first day of July next, all gun powder which shall be manufactured within this Commonwealth shall be composed of the following proportions, and quality of materials, that is, every one hundred parts of gun powder, shall be composed of fourteen parts of fresh burnt coal, made from wood which forms the least ashes, and which has been carefully and well prepared, and made into coal, after being stripped of its bark, ten parts of pure sulphur, and seventy six parts of purified nitre. Materials.

SECT. 3. *Be it further enacted,* That it shall be the duty of each of said Inspectors, to inspect, examine and prove all gun-powder, which after the first day of July next, shall be deposited at any publick powder magazine, or manufactured in this Commonwealth, before the same shall be removed from the manufactory, or received into such publick powder magazine, and if upon such inspection and examination it shall appear to the Inspector, that such gun-powder is well manufactured, and composed of pure materials, and of the proper proportions of materials, and such gun-powder shall be of the proof herein after mentioned the Inspector shall mark each cask, containing gun-powder by him inspected, examined and proved as aforesaid, with the words Massachusetts Inspected Proof; and with his christian and sur-name, and shall also mark in figures upon each cask the quantity of powder contained therein, and the year in which the inspection is made. Duty of inspectors.

SECT. 4. *Be it further enacted,* That no gun-powder within this Commonwealth, shall be considered to be of proof unless one ounce thereof placed in the chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty five degrees with the horizon, will, upon being fired, throw a twelve pound shot, seventy five yards at the least. Powder to be proved.

SECT. 5. *Be it further enacted,* That whenever any of said Inspectors, shall discover any gun-powder, deposited at any publick powder magazine, or any other place within this Commonwealth, which is not well manufactured, or which is composed of impure materials, or of an improper proportion of materials, and which shall not be of the proof herein before mentioned, the inspector in such case shall mark each cask containing such impure ill manufactured or deficient Casks of bad powder to be marked.

deficient gun-powder, with the word "Condemned" on both heads of the cask, and with the same words on the side thereof, with the christian and sur-name of the inspector on one head of the cask.

SECT. 6. *Be it further enacted,* That if any person shall knowingly sell any condemned gun powder as, and for, good gun-powder, or shall fraudulently alter, or deface any mark, or marks, placed by any Inspector upon any cask or casks containing gun-powder, or shall fraudulently put any gun-powder, which shall not have been inspected, or which has been condemned, into any cask or casks, which shall have been marked by any Inspector, agreeably to the provisions contained in the third section of this act, every such person so offending shall forfeit and pay not less than two hundred, nor more than five hundred dollars, for each and every offence, to be recovered in an action of debt in any Court of competent jurisdiction; one half to the use of the Commonwealth, the other half to the use of him or them, who shall sue, and prosecute for the same.

Fines.

SECT. 7. *Be it further enacted,* That each Inspector who may be appointed by virtue of this act, shall before he acts as Inspector, be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one cent for each pound of gun-powder by him examined, inspected, and proved, whether the same be by him approved or condemned, to be paid by the owner or owners of the gun-powder.

Inspector to be sworn.

SECT. 8. *Be it further enacted,* That if any manufacturer of gun-powder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export, or cause to be exported without the limits of this Commonwealth, any powder of his manufacture, before the same has been inspected, and marked agreeably to the provisions of this act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this act.

SECT. 9. *Be it further enacted,* That if any person within this Commonwealth, after the first day of July next shall knowingly sell, expose, or offer for sale within this Commonwealth any gun-powder which is not well manufactured, or which is composed of impure materials, and which shall not be of the proof herein before required, shall forfeit and pay not less than five dollars, nor more than fifty dollars; for each and every offence, to be recovered in the manner provided in the sixth section of this act.

Fines.

[This act passed March 1, 1809.] CHAP.

CHAP. LIII.

An act authorizing the several Courts of Common Pleas in this Commonwealth, to allow accounts, and order payment, for services and expenses incident to said Courts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several Courts of Common Pleas in this Commonwealth, be and they are hereby authorized and empowered to receive, examine, and allow the accounts, and order payment out of the Treasury of their respective Counties for services and expenses incident to said Courts, any law to the contrary notwithstanding.

[This act passed *March 1, 1809.*]

CHAP. LIV.

An act in addition to an act, entitled, “An act to establish the Hartford and Dedham Turnpike Corporation.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Hartford and Dedham Turnpike Corporation be, and hereby are authorized and empowered in lieu of one of the Gates now established by law, to erect one gate on said Turnpike road in Medway, between the dwelling houses of Isaas Hixson and Adam Bullard, and one other gate on said road between the dwelling house of Henry Tisdale in Dover, and the old road near the dwelling house of Benjamin Fisher, in Dedham, and when the same are erected, said Corporation shall be entitled to demand and receive at each of the said two gates, one half of the rates of toll now established by law, and which said Corporation have a right to demand and receive at the other gate, on said Turnpike road, under the same restrictions and regulations as are established by law on said Turnpike road.

[This act passed *March 1, 1809.*]

CHAP.

CHAP. LV.

An act to incorporate a Religious Society in the second parish in Shapleigh.

Persons
incorporated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ichabod Lord, Ham Nason, William Ham, Samuel Ham, Jun. Dominicus Lord, James Patch, John Bartlett, John H. Bartlett, William Bartlett, Edward Stanley, Benjamin Weymoth, Benjamin Goodwin, John Welch 3d, Samuel Patch, John Ham, Abraham Lord, Whiting Stephens, Thomas W. Goodwin, George Ham, Arthur Bragdon, Joseph Pray, William Thompson, Jun. Noah Thompson, John Thompson, Jun. Benjamin Crockett, George Ham, Jun. William Ferguson, John Crockett, Jacob Welch, David Welch, Abraham Welch, William Linscott, Joseph Linscott, Parker Webber, Stephen Pilsbury, Jun. Samuel Davis, Bartholomew Davis, Joshua Ferguson, James Thompson, Daniel Ferguson, Stephen Pilsbury, Thomas Goodwin, Matthew Ham, Paul Garvin, Solomon Hodsdon, Josiah Trafton, Josiah Trafton, Jun. David Gowin, Benjamin Gowin, John Murray, James Gowin, Elisha Wentworth and Joshua Trafton, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated into a Society, by the name of The First Congregational Society in the Second Parish in Shapleigh; with all the powers, privileges, rights and immunities to which other parishes or societies are entitled by the Constitution and laws of this Commonwealth.

How to join the
society.

SECT. 2. *Be it further enacted*, That any person in the said second parish in Shapleigh, who may be desirous of becoming a member of the said First Congregational Society, and shall declare such intention in writing, given in to the clerk of the said First Society, fifteen days previous to the annual parish meeting; and shall receive a certificate signed by the said clerk, or the minister of the said Society, that he or she has actually become a member of, and united in religious worship with the said First Society in the second parish in Shapleigh; such person shall, from the date of such certificate, be considered with his or her polls and estate, as a member of said Society.

SECT. 3. *Be it further enacted*, That when any member of the said First Society in the second parish in Shapleigh, shall see cause to leave the same, and unite in religious

ious worship with any other religious society in the said second parish, and shall give notice of such intention to the clerk of the said first Society, and shall also give in his or her name to the clerk of such other society fifteen days previous to the annual meeting of said Society, and shall have received a certificate of membership, signed by the minister or clerk of said Society, such person shall from the date of such certificate, with his or her polls and estate be considered as a member of said Society: *Provided, however,* That every such person shall always be held to pay his or her proportion of all parish charges in the Society to which such person belonged, assessed and not paid, previous to the leaving said Society.

How to leave
the society.

Proviso.

SECT. 4. *Be it further enacted,* That either of the Justices of the Peace for the county of York, upon application therefor, is hereby authorized to issue his warrant directed to some member of the said First Congregational Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose at their annual meetings.

Justice to issue
warrant.

[This act passed *March 1, 1809.*]

CHAP. LVI.

An act to incorporate a number of the inhabitants of the town of Parsonsfield, in the county of York, into a Religious Society, by the name of The First Baptist Society in Parsonsfield.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Buzzell, Noah Weeks, Samuel Longee, Taylor Longee, Eliphalet Weeks, Samuel Perry, Samuel Eastman, Jacob Dearborn, John Longee, Benning Parker, Ebenezer Foss, Winthrop Foy, John Inworgy, John Grenlow, Daniel Thurston, Jonathan Fowl, Thomas Thompson, Jeremiah Binford, Caleb Paine, John Blazo, Joseph Mesgget, Samuel Weeks, Ebenezer Kezer, James Perry, Thomas Edgcom, Abner Kezer, Samuel Foss, Lot Bedgwood, Joseph Merllas, Joshua Rundlet, Samuel Allen, Jeremiah Treworthy, Thomas Randal, John Young, John Maston, Henry Boothbay, Joseph Blazo, Ichabod Churchwell, Jonathan Blazo, John Drown, Wil-

Persons incor-
porated.

liam Blazo, Amos Blazo, Ebenezer Blazo, Thomas Thompson, Jun. James Bradbury, Moses Colby, Benjamin Dalton, Nathan Huntress, Samuel Dalton, Samuel Moulton, Cutting Moulton, William Moulton, Jun. Samuel Moulton, Jun. James Marston, 3d, Wadleigh Cram, John Stevens, William Moulton, John Chase, Frystom Miles, Joshua Fairbanks, Nicholas Morrells, John Gillpatrick, Enoch Parsons, Thomas Parsons, John Fenderson, Nathan Fenderson, Francis Hatch, Silas Burbank, Ebenezer More, Dennis More, Zebulon Libbey, Noah Wedgwood, Paul Burnham, Dennis Benson, John Longee, Jun. James Folsom, Elisha Piper, Levi Bickford, Stephen Bickford, George Bickford, Joseph Parks, John Jordan, Jesse Wedgwood, Moses Chase, Jun. James Benson, John Benson, Jun. John Quint, John Benson, John Page, Thomas How, Isaac Emery, Dudley Hilton, Nathan Wiggen, John Brackett, and James Wedgwood, all of Parsonsfield aforesaid, with their families and estates, together with such others as may hereafter associate with them and their successors, be and they are hereby incorporated into a religious society by the name of The First Baptist Society in Parsonsfield, with all the powers and privileges which are exercised and enjoyed by parishes according to the Constitution and laws of this Commonwealth.

How to join the society.

SECT. 2. *Be it further enacted*, That any person within the said town of Parsonsfield, who may desire to become a member of said Baptist Society, and shall declare such intention in writing, delivered to the minister or clerk thereof, fifteen days at least previous to the annual meeting of said Society, and shall receive a certificate signed by the said minister or clerk, that he or she had actually become a member of, and united in religious worship with, the said Baptist Society, such person shall, from the date of such certificate, be considered with his or her polls and estates, a member of said Society.

How to leave the society.

SECT. 3. *Be it further enacted*, That when any member of the said Baptist Society shall see cause to leave the same, and to unite in religious worship with any other religious society in the said town of Parsonsfield, and shall give notice of such intentions to the clerk or minister of said Baptist society, and shall also give in his or her name, to the clerk or minister of such other society, fifteen days at least, previous to their annual meeting, and shall have received a certificate of membership, signed by the minister or clerk of such other society, such person shall, from the date of such certificate, with his or her polls and estate, be considered

sidered a member of said society : *Provided however*, that every such person shall always be held to pay his or her proportion of all parish charges in the society to which such person belonged, assessed and not paid, previous to the leaving said society. Proviso.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of York, upon application therefor, is hereby authorized to issue a warrant directed to some member of the said Baptist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings. Justice to issue warrant.

[This act passed *March 1, 1809.*]

CHAP. LVII.

An act to regulate the Fishery in the towns of Ipswich, Hamilton, and Wenham.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the owner or owners, occupier or occupiers of mill-dams, across the streams leading from the head of the tide waters in that part of Ipswich called Chebacco, to Chebacco pond, and the ponds adjacent thereto, or the owner, or owners, occupier or occupiers of any mill-dam which may be hereafter erected on the streams aforesaid, be, and they are hereby required henceforward at their own cost and charge, in proportion to their several interests, to make and keep open a sufficient passage of such depth and width as the committee shall direct for the fish called shad and Alewives, through their respective dams, from the tenth day of April to the fifteenth day of May annually, and the privilege and benefit of taking fish in the said streams and ponds, shall be free to the inhabitants of the said towns of Ipswich, Hamilton, and Wenham, within the limits of their respective towns, on the days, and within the limitations prescribed by this act. Passage kept open

SECT. 2. *Be it further enacted*, That the inhabitants of the towns aforesaid at their annual town meetings for the choice of town officers, be, and they are hereby authorized and directed to appoint three or more discreet persons, each of said towns as a fish committee to oversee Committee

tak'g.

taking the fish agreeably to this act, which committee shall be sworn to the faithful discharge of their trust.

SECT. 3. *Be it further enacted*, That if the owner or owners, occupier or occupiers of the dams aforesaid, shall refuse or neglect to open, and keep open, within the period beforementioned the passages as aforesaid, such owner or owners shall forfeit and pay the sum of one hundred dollars to the use of the towns as aforesaid, to be recovered by action of debt, in any court proper to try the same.

SECT. 4. *Be it further enacted*, That there shall be two days in each week, appropriated for taking of said fish, in the said streams and ponds, viz : on Monday and Friday, and no fish shall be taken on any other days, than the days prescribed by this act, on the penalty of not more than *ten dollars*, and not less than *two dollars*, and no person shall be allowed to take said fish, with seines or drag-nets on penalty of *thirteen dollars*.

SECT. 5. *Be it further enacted*, That any Justice of the Peace, in either of the towns of Ipswich, Hamilton, or Wenham, shall have cognizance of any breach of this act, and hear, try, and determine any complaints to the amount of *thirteen dollars*, his being an inhabitant of either of the said towns notwithstanding—and in case any minor, or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid, in all such cases, the parent, master, or guardian, of such minor, or minors, shall be answerable therefor, and in case a prosecution shall ensue, the action shall be commenced against the parent, master, or guardian of such minor or minors respectively, and judgment rendered accordingly.

[This act passed *March 1, 1809.*

CHAP. LVIII.

An act to incorporate Joshua Fisher and others to manage a fund for charitable purposes, by the name of the Beverly Charitable Society.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joshua Fisher, Moses Brown, Israel Thorndike, Abiel Abbot, Joseph Emerson, Thomas Davis, Robert Rantoul, John Dyson, Josiah Gould, Thomas Stephens, Joseph Chipman, Moses Dow, John Dike, John B. Allen, James Worceley, Benjamin Bockford, John Batchelder,

elder,

Days for taking fish.

Justices to determine complaints.

Persons incorporated.

elder, Abraham Killham, John Francis, of Beverly, and Ebenezer Francis and Joseph Lee of Boston, together with such others as may hereafter be elected members of said society, be, and hereby are incorporated and made a body politick and corporate, forever, by the name of the Beverly Charitable Society; for the purpose of raising a fund in order to relieve and assist any inhabitant thereof, who, by reason of sickness or misfortune, may stand in need of special assistance; to aid the destitute widow; to provide for the helpless orphan, and generally, to perform such acts of charity and benevolence, as the funds of the society may allow; excluding therefrom the idle, the profuse, the intemperate, and such as ought to apply, for relief to the overseers of the poor.

For what pur-
pose.

SECT. 2. *Be it further enacted*, That the said society shall have power to choose a President, Secretary, Treasurer, Trustees, and other necessary officers, and to make all proper and necessary rules and bye-laws, not repugnant to the Constitution or laws of this Commonwealth, for the regulation of its members and property, and the same to change as they may find expedient or necessary.

General powers
and choice of
officers.

SECT. 3. *Be it further enacted*, That the said society shall have and use a common seal, which they may alter at pleasure; and that the said society by the name aforesaid, may sue and be sued, prosecute and defend suits, with the power of substitution.

To have a Seal.

SECT. 4. *Be it further enacted*, That the said society shall be capable of purchasing, receiving and holding any estate, real or personal, to be used and improved for the purposes aforesaid, or such other benevolent purposes as the Donor may particularly direct; *Provided*, the whole estate of the society shall not exceed the value of forty thousand dollars.

To hold prop-
erty.

SECT. 5. *Be it further enacted*, That the said society may make sale of any of their estate, real or personal, purchased or given, unless that which shall be given, be expressly otherwise appropriated by the Donor; and all monies arising from such sale, and the subsequent income, shall be applied to the same use to which the property sold, and the income thereof, were before respectively applicable. And all deeds, conveyances, contracts, and other instruments, duly executed and signed by the President and attested by the Secretary, shall be valid and binding on the society.

SECT. 6. *Be it further enacted*, That Joshua Fisher, be, and he hereby is authorized to call the first meeting of the society, at such time and place as he shall think proper, and he

Meeting to be
called.

he is further empowered to act as secretary, until another shall be chosen.

[This act passed *March 1, 1807.*]

CHAP. LIX.

An act to incorporate a Religious Society, by the name of
The Second Baptist Society in Berwick.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Hubbard, William Chadbourn, Charles Shorey, Samuel Heard, Ebenezer Heard, Jonathan Horson, Love Keys, Nathaniel Nason, John Shorey, jun. Peletiah Butler, Ephraim Tibbets, Ichabod Tibbets, Moses Foye, Peter Hanson, Samuel Goodwin, jun. Thomas Knox, James Goodwin, William Chadwick, Asa Shorey, Nathaniel Garland, Elisha Whitehouse, Joseph Prime Taylor, Moses Roberts, Ebenezer Whitehouse, Tilley Haggens, Robert M'Gooch, John Hooper, jun. Eleazer Clark, Edward Grant, Caleb Wentworth, Caleb Frost, Eliphalet Jones, Samuel Jones, Daniel Fall, Andrew Horne, jun. James Goodwin, jun. Jacob Fall, James Downs, Gershom Horne, Nathaniel Downs, Joseph Nook, Samuel Hurd, jun. James Foye, Nathan Wentworth, Tristram Hurd, John Tibbets, John Foye, George Appleby, Ebenezer Clements, James Gubtail, Hawley Appleby, Enoch Abbot, Moses Clements, Samuel Goodridge, David Goodridge, John Abbot, jun. Andrew Horne, Benjamin Lord, Nathan Butler, Ephraim Ricker, Jonathan Ricker, Ebenezer Fall, Stephen Clark, Stephen Wentworth, Samuel Roberts, and Paul Ellis, together with their polls and estates, be, and they hereby are incorporated by the name of the Second Baptist Society in Berwick, with all the privileges, powers and immunities, which parishes in this Commonwealth by law enjoy.

SECT. 2. *Be it further enacted,* That any person in said town of Berwick, who may at any time hereafter actually become a member of, and unite in religious worship with, said Baptist Society, and give in his or her name to the clerk of the parish, to which he or she did heretofore belong with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with, said Baptist society fourteen days previous to the parish meeting therein to be held

Persons
incorporated.

How to join
the society.

held in the month of March or April annually shall from and after giving such certificate, with his or her polls, and estate, be considered as a member of said society, *provided* Proviso. *however*, that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

SECT. 3. *Be it further enacted*, That when any member of said society, shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish, in which he or she may live, and shall give in his or her name to the clerk of the baptist society aforesaid, signed by the minister or clerk of the parish, or other incorporate society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with, such other parish or other incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of the society to which he or she may so unite. How to leave the society.

SECT. 4. *Be it further enacted*, That any Justice of the Peace, in the town of Berwick, be, and he is hereby authorized and empowered to issue his warrant directed to some suitable member of said society to meet at such time and place as shall be appointed in said warrant to choose all such officers, as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually. Justice to issue his warrant.

[This act passed *March 1, 1809.*]

CHAP. LX.

An act to incorporate a religious society in the town of Norway.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the following persons, viz. Joseph Bradbury, Job Eastman, Joel Stevens, Cadwalader F. Jones, John Horr, Benjamin Fuller, James Flint, Joshua Crocket, Jonathan Pottle, Darius Wilkins, Eliphalet Watson, Silas Merrian, John Pike, Aaron Wilkins, Amos Town, Increase Robinson, Asa Noyes, Willis Sampson, William Lessley, Ward Noyes, Enoch Hall, John Needham, Stephen Pingree, jun. Micah Upton, Jonathan Gurney, Persons incorporated.

ney, Joseph Martin, Benjamin Flint, Robinson Hobbs, Enoch Merrill, Joel Frost, Thomas Wood, Jeremiah Hobbs, Jeremiah Hobbs, jun. Daniel Hobbs, Jeremiah Hobbs, 3d, Jonas Stevens, jun. John Case, Daniel Holt, Jacob Russell, Frye Lovejoy, Ephraim Twambly, Francis Butcher, Dustan Patch, Zephaniah Frost, Philip Abbot, John Ordway, Jacob Frost, Daniel Town, Amos Upton, Amos Upton, jun. Jonathan Shed, Jonathan Cummings, Luther Farrer, William Hobbs, Benjamin Peabody, Amasa Lessley, Joseph Stewart, jun. Moses Ayer, Elijah Flint, Amos Cummings, Jonas Stevens, Nathan Noble, Ebenezer Watson, Amos Hobbs, Steven Bartlett, Timothy Stone, Nathan Foster, Isaac Lovejoy, and Ebenezer Bancroft, together with their families and estates, and such others as may hereafter associate with them, be, and they are hereby incorporated into a society by the name of The Congregational Society in Norway, with all the powers, privileges and immunities to which other religious societies, are entitled by the Constitution and laws of this Commonwealth.

Justice to issue
his warrant.

SECT. 2. *Be it further enacted*, That any Justice of the Peace in the county of Oxford is hereby authorized, and empowered to issue his warrant, directed to some suitable inhabitant of said town of Norway, requiring him to notify and warn the members of said Congregational Society, to meet at such convenient time and place, as shall be expressed in said warrant for the purpose of choosing such officers as parishes are by law empowered to choose at their annual meetings in the month of March or April annually.

[This act passed *March 1, 1809.*]

CHAP. LXI.

An act to incorporate a number of the inhabitants of the towns of Harwich, Chatham and Orleans, as a religious society by the name of The First Methodist Society in Harwich.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Anthony Baker, Richard Basset, Richard Basset, jun. Joel Basset, Nathaniel Basset, jun. Seth Burgess, Daniel Chase, Carlo Cohoon, Gamaliel Cohoon, Seth Cohoon, Simeon Cohoon, Levi Cohoon, Peter Cohoon, Jesse Cohoon, Jesse Cohoon, jun. John Cohoon, jun.

Persons incor-
porated.

jun. Reuben Cohoon, jun. Jonathan Crowell, Solomon Crowell, Eli Eldridge, Elijah Eldridge, Bani Eldridge, Seth Eldridge, Isaac Eldridge, Isaac Eldridge, jun. Isaiah Eldridge, Nehemiah Eldridge, Nathan Eldridge, Elnathan Eldridge, Elnathan Eldridge, jun. Ensign Eldridge, Ebenezer Eldridge, Ebenezer Eldridge, jun. Samuel Eldridge, 3d. Lewis Eldridge, Oliver Eldridge, Thomas Eldridge, Thomas Eldridge, jun. Warren Eldridge, William Eldridge, Zenas Eldridge, Benjamin Hall, Henry Kenwick, Nathan Kenwick, James Kenwick, Jonathan Kenwick, Solomon Kenwick, Stephen Kenwick, Abijah Long, Elkanah Long, Levi Long, William Long, William Long, jun. Baty Nickerson, Benjamin Nickerson, Edward Nickerson, Elkanah Nickerson, Dean Nickerson, Eleazer Nickerson, Henry Nickerson, Levi Nickerson, Nathan Nickerson, Richard Nickerson, James Nickerson, Silas Nickerson, Silas Nickerson, jun. Seth Nickerson, Seth Nickerson the 4th, Tully Nickerson, Vinson Nickerson, Nathaniel Robbins, jun. Eli Small, Denne Small, John Small, James Small, Nathan Small, Thomas Small, William Small, William Small, jun. Zebedee Small, Stephen Torner, Solomon Wixom, James Wixom, Edmund Young, Lewis Young, John Young, John Young, jun. and William Young, jun. all of Harwich; Ebenezer Bears, Simeon Bears, Joshua Buck, Isaac Eldridge, John Eldridge, Zephaniah Eldridge, Melatiah Hamilton, and David Howes, all of Chatham; Obadiah Eldridge, Reuben Eldridge, Simeon Ellis, Uriah Linnel, Malachi Nickerson, Uriah Nickerson, and Zachariah Small, all of Orleans, members of the Methodist Society, with their polls and estates, together with such others as may hereafter associate and join with them, in conformity with the provisions of this act, be, and they are hereby incorporated as a religious society, by the name of The First Methodist Society in Harwich; with all the powers and privileges which are enjoyed and exercised by other religious societies, according to the Constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person in either of the aforesaid towns of Harwich, Chatham and Orleans, who may at any time hereafter, be desirous to unite with, and shall actually become a member of the said Methodist society, shall declare such intention in writing, by giving in his or her name to the minister or clerk of the said Methodist society, and receive a certificate of membership, signed by the minister, elders, or clerk of the said

How to join
the society.

society, that he or she has united in religious worship, and hath actually become a member of the said Methodist society in Harwich, and shall also leave an attested copy of such certificate, with the clerk of the parish or society to which he or she belonged, fourteen days previous to the annual parish meeting in March or April; shall, from and after the date of such certificate, with his or her polls and estates, be considered a member of the said society: *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed and not paid to the society from which such person has seceded.

How to leave
the society.

SECT. 3. *Be it further enacted*, That when any member of the said Methodist society, shall see cause to leave the same, and to unite with any other religious society in the town or parish in which he or she may live, shall declare such intention in writing, to the minister or clerk of such other society, fourteen days before the annual meeting thereof; and if such person shall receive a certificate of membership, signed by the minister, elder, or clerk of such society, that he or she has united in religious worship, and hath actually become a member thereof; such person shall, from the date of such certificate, with his or her polls and estate, be considered as a member of such society: *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed in the said society, and not paid, previous to leaving one society and joining to another.

Proviso.

Justice to issue
his warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, be, and he is hereby authorized to issue his warrant, directed to some suitable member of the said Methodist society, requiring him to notify and warn the members thereof, qualified to vote in parish affairs, to assemble at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

[This act passed March 1, 1809.]

CHAP. LXII.

An act to divide the County of Kennebeck, and to constitute the northerly part thereof into a County by the name of the County of *Somerset*.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the county of Kennebeck shall ^{Boundaries,} be divided by a line, beginning on the westerly line of the county of Hancock, at the north easterly corner of Township, Number four, north of the Waldo Patent, thence running westerly on the northerly line of said Township and the town of Unity, to the northwest corner of the town of Unity aforesaid; thence due west, to the easterly line of the town of Clinton; thence northerly by said Clinton, to the northeast corner thereof; thence westerly by the northerly line of Clinton, to Kennebeck river; thence down the middle of said river, to the line between the towns of Waterville and Fairfield; thence westerly between the towns last mentioned, to the southwest corner of said Fairfield, thence westerly on a straight line, to the south easterly corner of the town of Mercer; thence westerly, on the southerly line of said town of Mercer, to the easterly line of the town of New-Sharon; thence northwesterly, on the north easterly line of the town of New-Sharon aforesaid, to the easterly line of the town of Farmington; thence northerly and westerly, on the easterly and northerly line of said town of Farmington, to the easterly line of the town of Temple; thence northerly and westerly, on the easterly and northerly line of the town of Temple, to the easterly line of the county of Oxford, and the bounds of the county by this act created on the east, shall be the line heretofore established between the Counties of Hancock and Kennebeck; and on the west by the line between the Counties of Kennebeck and Oxford; and on the north, by the line on the high land; being the boundary between the District of Maine, and the province of Lower-Canada.

SECT. 2. *Be it further enacted,* That all and every part ^{Name.} and parcel of the late county of Kennebeck, included within the lines before described, shall be and the same is hereby formed and erected into an entire and distinct county, by the name of *Somerset*; of which Norridgewock shall be the shire, or county town. And the inhabitants of the said county

county of *Somerset*, shall hold, possess, use, exercise and enjoy, all the powers, rights and immunities, which, by the Constitution and laws of this Commonwealth, the inhabitants of any county within the same, do hold, possess, use, exercise, enjoy, and are entitled to.

Courts. SECT. 3. *Be it further enacted*, That there shall be held and kept within the said county of *Somerset*, a court of sessions, to be held at Norridgewock aforesaid, on the second Tuesday of September, and on the second Tuesday of February yearly and every year; and that there shall be held and kept, within the said county of *Somerset*; to set at Norridgewock aforesaid, a Court of Common Pleas, on the third Tuesdays of September and February, yearly and every year, until the General Court shall otherwise order, and the Justices of said court of sessions, and said court of Common Pleas, who shall be thereunto lawfully commissioned, shall have, hold, use, exercise and enjoy all and singular the powers which are by law given and granted to such Justices, within any other county of this Commonwealth, where a court of sessions and court of Common Pleas are already established; and all appeals from any judgment or judgments, given at any court of Common Pleas, within the said county of *Somerset*, shall be heard and tried at the Supreme Judicial Court, to be held at Augusta, in the county of Kennebeck.

Choice of Officers.

SECT. 4. *Be it further enacted*, That the methods and proceedings directed by law for choosing a County Treasurer and Register of Deeds, and the modes and forms of proceeding, known and practised in bringing forward and trying actions, causes, pleas or suits, and of originating and conducting legal processes, of every kind, whether civil or criminal, in the Judicial Courts established in the several counties in this Commonwealth, and for choosing persons to serve as Jurors at the said courts, shall be observed and put in practice, used and exercised within the said county of *Somerset*, as is usual in other counties in this Commonwealth: *Provided, however*, that the County Treasurer, and Register of Deeds for the said county of *Somerset*, shall, for the first time originate in the same manner, as is prescribed by law, where vacancies happen by death or resignation.

Proviso.

SECT. 5. *Be it further enacted*, That deeds, conveyances and transfers of real estate of every kind, which may happen or take place, prior to the appointment of a person for Register of Deeds within and for said county of *Somerset*,

erset, and to his being qualified to discharge the duties of that office, may be recorded in the office of Register of Deeds in and for the county of Kennebeck, according to its late boundaries; and such registering shall have the same effect and operation as though recorded in the Registry of Deeds, for the said county of *Somerset*.

SECT. 6. *Be it further enacted,* That the several towns, Districts and Plantations, within the said county of *Somerset*, shall pay to the Treasurer of the county of Kennebeck, in the same manner they have paid previous to the passing of this act, their due proportion of all county taxes, that shall have been granted prior to the seventeenth day of Feb. of the present year; and the court of sessions in and for the county of Kennebeck, shall have the same power and authority to proceed with and assess upon all such towns, districts and plantations severally, their due proportion of all such taxes as have been granted as aforesaid; and the assessors of all such towns, districts and plantations, and the inhabitants thereof severally, shall be governed by and subject to the same laws of this Commonwealth, and held, bound and obliged to perform the same duties, and be under the same penalties with respect to assessing and paying all such taxes; and the Treasurer of said county of Kennebeck, shall be, and hereby is directed and empowered to proceed in the same manner for the collection of such taxes, and shall have the same power and authority to collect and levy the same, by warrants of distress, in due form of law, as if this act had never passed. And all lawful precepts issued by the said Treasurer, for said county of Kennebeck, for the collection or levying such taxes, directed to the proper officer, within and for the county of *Somerset*, shall be duly obeyed by such officer under the same penalty; and such officer shall be liable to be proceeded with for any default therein, in the same manner as in like cases where a similar default happens in any county within this Commonwealth, within and to which both said Treasurer and Officer belong; and the said county of *Somerset* shall be held to pay their due and just proportion of all debts that shall be due and owing from the said county of Kennebeck, on the seventeenth day of February of the present year; excepting any debts which may be due from said county towards building a stone jail in said county, over the sum of eight thousand dollars, which has been granted and apportioned upon the several towns, and districts within said county for that purpose.

Taxes.

SECT.

SECT. 7. *Be it further enacted*, That the jurisdiction of the said County of Kennebeck, in all civil and criminal matters, and the power, authority and duty of its civil officers and magistrates, and the style and manner of their proceedings, shall continue and extend throughout the whole of the late county of Kennebeck, until the first day of June next, in the same manner as if this act had not passed; excepting however, that the said county of *Somerset* shall not be holden to pay any part or proportion of any tax which may be assessed upon, or debt contracted by said county of Kennebeck, after the seventeenth day of February before mentioned; and all actions and civil suits of every kind, which shall or may be pending in the Court of Sessions or Court of Common Pleas for the county of Kennebeck, in which real estate is sued for, that is situated in the county of Somerset, or the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them reside in the county of Somerset, or in which the original plaintiff or plaintiffs, petitioner or petitioners, do not live within the present county of Kennebeck, and the adverse party do live or reside within the county of Somerset, together with all recognizances, scire facias, and suits wherein the Commonwealth are party, and the adverse party live or reside within the county of Somerset, prior to the first day of June next, shall be heard, tried, and finally determined in the county of Kennebeck, as if this act had not passed.

Suits, &c. pending to be determined in the county of Kennebeck.

SECT. 8. *Be it further enacted*, That the Towns and Plantations within the said county of Somerset, in the voting for state senator, and federal representative, shall be considered as forming a part of the district, heretofore known by the name of Kennebeck District, any thing in this act to the contrary notwithstanding; and that the inhabitants thereof shall have and enjoy the same rights and privileges with respect to the election of senator and federal representative, as aforesaid, as if this act had never passed; and all returns of votes for such senator and federal representative within the said county of Somerset, shall be made in the same manner and under the same penalties as is by law provided in other counties within this Commonwealth.

Towns and Plantations in Somerset to form a part of Kennebeck district.

SECT. 9. *Be it further enacted*, That all officers within the said county of Somerset, having authority to commit prisoners to Jail, shall be authorized, for the term of two years, to commit their prisoners to the Jail in the county of Kennebeck; and the keeper of the Jail in the said county of Kennebeck, is hereby authorized and required to receive

Prisoners to be committed to Kennebeck jail.

and

and detain such prisoners: *Provided nevertheless*, that no ^{Proviso.} expense or damage shall accrue therefrom to the county of Kennebeck.

[This act passed *March 1, 1809.*]

CHAP. LXIII.

An act to repeal certain acts, concerning Meadows and Beaches, in the north part of Harwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act made and passed in the year of our Lord, one thousand seven hundred and sixty-one, entitled “An act to prevent damage being done on the meadows and beaches, lying in, and adjoining on the north side of the town of Harwich, between Skaket harbour on the east, and Quivet harbour on the west.” Also, an act made in the same year, entitled “An act, in addition to an act made and passed this present year, entitled “An act to prevent damage being done on the meadows and beaches, lying in, and adjoining on the north side of the town of Harwich, between Skaket harbour on the east, and Quivet harbour on the west;” which acts, by an act passed the seventh day of March, in the year of our Lord, one thousand seven hundred and ninety-seven, were made perpetual, be, and the same are hereby repealed.

[This act passed *March 2, 1809.*]

CHAP. LXIV.

An act to regulate the taking of Fish in the town of Rochester.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person who shall take any of the fish called alewives in the brook leading out of Merry’s Pond so called in Rochester into Sippican River, or in the said Sippican River, excepting as is in this act allowed, shall forfeit, and pay the sum of ten dollars, to be recovered in an action of debt, in any court proper to try the same, by the Treasurer of said town, to the use of said town.

SECT.

Committee to
be chosen.

SEC. 2. *Be it further enacted*, That the inhabitants of the said town of Rochester, at their annual town meeting in the month of March or April annually, shall choose a committee of not more than six, nor less than three, inspectors of said brook and river, who shall be under oath as other town officers, to inspect the same, under the direction of the select men of said town for the time being, and whose duty it shall be, to give immediate notice to the Treasurer of said town, of all breaches of this act which has come to their knowledge.

SEC. 3. *Be it further enacted*, That the inhabitants of said town of Rochester at any town meeting, legally warned, (having an article in the warrant) for that purpose, may if they think proper, sell the exclusive right to the taking said fish in said brook, or in said river for a term, not more than one year to the highest bidder or bidders to be taken at such times and places, and by such means as shall be pointed out in the conditions of sale, and if any such purchaser shall take any of such fish in said river, or in said brook, contrary to the terms in the conditions of sale, every such person or persons shall forfeit and pay the sum of twenty five dollars to be recovered as aforesaid, for the use aforesaid.

Penalty.

SEC. 4. *Be it further enacted*, That if any person shall make, or erect any wear or other impediments in or across said brook or river, below where said brook empties itself into said river, by which the passage of said fish up said brook, or up said river shall be obstructed, each person so offending, shall for each and every offence, forfeit and pay the sum of fifty dollars, to be recovered as aforesaid for the use aforesaid. [This act passed March 2, 1809.]

CHAP. LXV.

An act defining the general powers and duties of Manufacturing Corporations.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all Corporations which may hereafter be established within this Commonwealth, for the purpose of carrying on any kind of manufacture, or manufactures, shall have power from time to time, to choose a clerk, who shall be sworn by a justice of the peace to the faithful

faithful discharge of his duty, and who shall record all votes of the corporation in a book, to be by him kept for that purpose ; a Treasurer who shall give bonds in such manner, and in such sum as any such corporation shall direct, and such other directors, agents, and factors, as shall be thought necessary and convenient for their regular government, and to carry into effect the several objects for which any such corporation may be established, and to make and establish any rules and bye-laws for the regulation and government of said corporations with reasonable penalties for the breach thereof, not exceeding the sum of twenty dollars, and the same at their pleasure to repeal and annul, *Provided*, that such rules and bye-laws shall not be repugnant to the Constitution and laws of this Commonwealth.

Officers to be chosen.

SECT. 2. *Be it further enacted*, That a majority of the persons named in any act of incorporation, may call the first meeting of the corporation, by giving notice of the time and place of meeting in some publick newspaper, printed in the county where the manufactory shall be established, at least fourteen days before the time of the meeting ; and if no paper is printed within the county, then publick notice of the time and place of meeting shall be given as aforesaid in a newspaper printed in some adjoining county.

SECT. 3. *Be it further enacted*, That the property of all such corporations shall be divided into shares, and numbered in progressive order, beginning at number one, and every original member of such corporation shall have a certificate under the seal of the corporation and signed by the Treasurer, certifying his property in such share as shall be expressed in the certificate.

Of property.

SECT. 4. *Be it further enacted*, That any share may be alienated by the proprietor thereof by a deed under his hand and seal, acknowledged before some Justice of the Peace, and recorded by the clerk of the corporation in a book to be by him kept for that purpose, and any purchaser named in such deed so recorded, shall on producing the same to the treasurer, and delivering up to him the former certificate, be entitled to a new certificate executed in form aforesaid.

SECT. 5. *Be it further enacted*, That any such corporation may, from time to time, at any legal meeting called for that purpose, assess upon each share, such sum or sums of money, as shall be judged by such corporation necessary for raising a capital for the establishment and completion of the object of the incorporation, and for defraying the

Assessments

charges, and expenses incident thereto, to be paid to their treasurer at such time or times, and by such instalments as shall be directed by the corporation; and if the proprietor of any share or shares, shall refuse or neglect to pay any tax or assessment, duly voted and agreed on by said corporation for the term of thirty days after the time set for the payment thereof, the treasurer of such corporation is hereby authorized to sell at publick vendue the share or shares of such delinquent proprietor, sufficient to pay all taxes or assessments which may be then due from said proprietor, with all necessary and incidental charges, after having given publick notice in some newspaper, printed in the county where the manufactory is established, if any is printed therein, otherwise in some adjoining county, of the time and place of sale, with the sum due on each share, at least three weeks successively before the sale, and such sale shall be a legal transfer of the shares so sold to the purchaser, and when the purchaser shall produce a certificate of such sale from the treasurer to the clerk of the corporation, with the name of the purchaser, and the number of the share or shares sold, the same shall be entered by the clerk on the books of the corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and shall be entitled to a certificate in the form prescribed in the third section of this act.

Shares may be sold for taxes.

SECT. 6. *Be it further enacted*, That whenever any action shall be commenced against any corporation that may hereafter be created, or whenever any execution may issue against such corporation, on any judgment rendered in any civil action, and the said corporation shall not within fourteen days after demand thereof made, upon the president, treasurer or clerk of such corporation, by the officer, to whom the writ or execution, against such corporation, has been committed to be served, shew to the same officer sufficient real or personal estate to satisfy any judgment, that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such executions, then and upon such neglect and default, the officer to whom such writ and execution may have been committed for service, shall serve and levy the same writ or execution upon the body or bodies, and real and personal estate or estates of any member or members of such corporation.

Property of members responsible.

SECT. 7. *Be it further enacted*, That all acts incorporating manufacturing companies, shall be deemed and taken to be publick acts, and as such may be declared upon, and

and given in evidence in any Court of Law, without specially pleading the same: *Provided always*, That the Legislature may from time to time, upon due notice to any corporation, make further provisions, and regulations for the management of the business of the corporation, and for the government thereof, or wholly to repeal any act, or part thereof, establishing any corporation as shall be deemed expedient.

[This act passed *March 3, 1809.*]

CHAP. LXVI.

An act to rectify and establish the line between the towns of Monmouth and Leeds, in the County of Kennebeck.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the line between the towns of Monmouth and Leeds, shall hereafter be as follows, viz. beginning at a stake and stones, about fifteen rods, west of the Bogstream, (so called) thence running south nine degrees west, to a beach tree on the south line of Monmouth.

[This act passed *March 3, 1809.*]

CHAP. LXVII.

An act further to continue in force an act, entitled "An act to establish a corporation by the name of the Essex Turnpike Corporation."

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act entitled "An act to establish a corporation by the name of the Essex Turnpike Corporation shall be, and hereby is continued in full force and effect for and during the full term of two years, from and after the twenty second day of June, which was in the year of our Lord, one thousand eight hundred and eight, any thing in said act to the contrary notwithstanding.

[This act passed *March 3, 1809.*]

CHAP. LXVIII.

An act establishing the Bangor Meeting House Corporation.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles Hammond, William Boyd, Nathaniel Harlow, Samuel Call, Jacob M'Gaw, John Perkins, Robert Parker, Moses Patten, Amos Patten, Abner Taylor, Hosea Rich, Stephen Kimball, Samuel E. Dutton, Joseph Treat, Alexander Savage, Joseph C. Adams, David Fogg, James Tilton, Jeremiah Dudley, Isaac Watson, Jonathan Plummer, Asa Davis, Richard Dunning, John Barker, Samuel Greenleaf, Israel Snow, Horatio G. Balch, Thomas Bradbury, Jacob Holyoke, William Rice, Charles Rice, Thomas Norton, Joseph Carr, James Carr, Luke Wilder, Stephen Giddings, William Hammond, Edward Sargent, Daniel Webster, Ebenezer Weston, John Sargent, John Ham, David W. Haynes, Robert Treat, Francis Brown, Timothy Crosby, John Balch, William Seward, and their associates, and successors be, and they are hereby made a Corporation and body politick by the name of the "Bangor Meeting House Corporation;" and by that name may sue, and be sued, and shall have a common seal and may also ordain and establish, and put in execution such bye-laws and regulations as to them shall seem necessary and convenient for the government of said corporation, *Provided* such bye-laws and regulations shall be in no wise contrary to the laws and constitution of this Commonwealth, and may hold by purchase, gift, or devise, lands suitable and convenient whereon to erect said house and such other buildings as they may deem necessary and convenient for the accommodation of said house or a minister, and also for a suitable yard or common about the same, and any other real or personal estate, the income of which shall not exceed three thousand dollars annually for the purpose of building said meeting-house, and other buildings, and keeping the same in repair, and supporting publick worship therein; and shall have full power and authority to build said house, and a house for the accommodation of a minister, and such out buildings as they may deem necessary; to contract with and support a minister, and to lay all necessary assessments on the shares or pews of the proprietors, for carrying into effect any of the objects of this incorporation.

Persons incorporated.

Empowered.

Proviso.

SECT.

SECT. 2. *Be it further enacted,* That the shares in said corporation, and pews in said meeting-house, shall be considered as personal estate ; and the certificates and transfers of the same shall be recorded by the clerk of said corporation in separate books to be by him kept for that purpose, before the same shall be valid.

Pews to be considered, personal estate.

SECT. 3. *Be it further enacted,* That each proprietor or his agent duly authorized in writing, shall have a right to vote in all meetings of said corporation, and shall be entitled to as many votes as he holds shares : *Provided however,* that no person shall in any case be entitled to more than ten votes.

SECT. 4. *Be it further enacted,* That any five of the proprietors, shall have power to call the first meeting of said corporation by posting up in said town of Bangor, at three several publick places, written notice of the time, place, and purpose of said meeting, at least fourteen days previous to the time of said meeting, and the corporation shall at this meeting determine the mode of calling all future meetings of the proprietors, divide the property of the corporation into shares, and determine the time for the annual meeting of the corporation for the choice of officers in future, and shall also at this meeting, and at the annual meeting ever afterwards choose a President, Treasurer, Clerk, and four other persons, who together shall be a committee to manage the concerns of the corporation for one year from the time of their election, and until others are chosen in their stead, and who shall exercise all powers legally delegated to them by the corporation : *Provided, however,* that if by accident or neglect the annual meeting shall not be properly notified, then the aforesaid officers may be chosen at any other meeting called for that purpose.

Officers to be chosen.

SECT. 5. *Be it further enacted,* That the said clerk shall be sworn to the faithful discharge of his duty, and he shall record all votes and proceedings of said corporation, and said committee in separate books, to be by him kept for that purpose.

SECT. 6. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment duly voted for the purposes of this corporation, to the Treasurer thereof for the space of thirty days after the same is made payable, the Treasurer is hereby authorized to sell at publick vendue the share or shares of such delinquent proprietor to pay said assessments and all necessary charges, after having given twenty days previous notice of the sum due

Shares sold for taxes.

on such share or shares, and the time and place of sale, by written notifications signed by said Treasurer, and attested, and posted by the clerk at the door of said meeting-house, and at two other publick places within the town of Bangor : *Provided, however,* that until said house is erected, the other two notifications shall be deemed sufficient, and the overplus arising from such sales after paying said assessment, and all necessary charges shall be paid by the Treasurer to the proprietor of such share, or shares on demand, and a record made by the clerk of said advertisements, and that he has posted them up, agreeably to the provisions of this act, shall be deemed sufficient evidence of the fact in all cases.

Proviso.

SECT. 7. *Be it further enacted,* That the said corporation at any legal meeting may authorize their committee to lease or sell, and dispose of any or all of the real estate belonging to said corporation in such manner, and to such person or persons, or corporation, as said committee may think proper. And the deed of said committee authorized as aforesaid, duly executed, acknowledged, and recorded, shall be deemed sufficient for the conveyance of such property to the person or persons, or corporation, to whom the same is therein granted.

SECT. 8. *Be it further enacted,* That the substance of every subject to be acted upon at any meeting of the corporation, shall be expressed in the notifications for calling said meetings.

[This act passed *March 3, 1809.*]

CHAP. LXIX.

An act to establish a Corporation by the name of the Groton and Pepperrell Turnpike Corporation.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Oliver Prescott, James Brazer, Thomas Gardner, Joseph Moors, Aaron Brown, Luther Lawrence, William Merchant Richardson, esq. Benjamin Woods Parker, William Nutting, Jacob Lakin Parker, James Lewis, jun. and Joseph Fletcher Hall, all of Groton aforesaid, the Rev. John Bullard, Joseph Heald, esq. Simon Green, and Lemuel Parker, all of Pepperrell aforesaid, together with such other persons as may hereafter associate with

Persons incorporated.

with them, be, and they hereby are made a corporation and body politick, by the name and style of the Groton and Pepperrell Turnpike Corporation, for the purpose of laying out and making a turnpike road from the first parish meeting-house in Groton in the county of Middlesex, or from the burying ground to the west of the same, as the locating committee may judge will best promote the publick interest, to such point in the line of the state of Newhampshire, as will be, in the nearest convenient rout from the place of departure in Groton aforesaid, to the meeting-house in Milford in said state of New-Hampshire, and for this purpose shall have all the powers, and privileges, and be subject to all the duties, requirements, and penalties, contained in an act, entitled an act defining the general powers, and duties of turnpike corporations, made and passed the sixteenth day of March in the year of our Lord, one thousand eight hundred and five, and any acts which have been made in addition thereto.

SECT. 2. *Be it further enacted,* That when the road aforesaid, shall be laid out, made, completed and shall be approved by the Court of Common Pleas for said county of Middlesex, the said corporation shall have power to erect one gate thereon, at such place as the said court may order, and shall be entitled to receive toll thereat, any thing in the act aforesaid notwithstanding.

[This act passed *March 3, 1809.*]

CHAP. LXX.

An act to incorporate the Trustees of the Methodist Religious Society in Boston.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Hall Jackson, John Clark, John Jones, Edward Haynes, Thomas Patten, James Howlett, James Hutchinson, Amos Binney, Abraham Ingersol, George Southerland, James T. Goodridge, Robert Restieaux, Ezra Curtin, and David Patten, be and hereby are incorporated into a body politick by the name of the Trustees of the Methodist Religious Society in Boston, and by that name, they and their successors in office shall be a corporation forever.

Persons incorporated.

SECT.

SECT. 2. *Be it further enacted,* That the number of said Trustees, shall at no time exceed fifteen, nine of whom shall constitute a quorum to do business; that they shall annually in the month of January elect from their own body a Treasurer, who shall have charge of the monies and securities for money, or other property belonging to the said Methodist Religious Society; also a Secretary, who shall keep a faithful record of all the votes and doings of the said Trustees. They shall have power to make such rules and bye-laws, as may be necessary for the management of their affairs, the regulation of their officers, the raising of money for the support of their publick teachers, and repairs of their Chapels, and for calling their meetings from time to time, as are not repugnant to the Constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted,* That whenever there shall occur any vacancy in the board of Trustees, by reason of death, resignation or removal from office, the Secretary for the time being, shall notify and call a meeting of the remaining Trustees, as soon as may be, and the minister having the pastoral charge of the said Methodist Religious Society, shall nominate suitable persons, being members of the said society, and from such nominations the Trustees shall proceed to elect, and by a majority of votes, appoint a person to fill such vacancy, in order that the number of trustees be fifteen forever.

SECT. 4. *Be it further enacted,* That the lands and other property, already purchased by, or given unto, the said trustees, for the use and benefit of the said Methodist Religious Society, either for the support of the publick worship of God, or for the support of the poor of the said society, shall be confirmed to the said trustees, and their successors in that trust, forever. And the said trustees and their successors, may have and hold in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal; *Provided,* the annual income thereof shall not exceed the sum of two thousand dollars; and may sell and dispose of the same, and apply the rents and proceeds thereof in such manner as will best promote the end and design of the said Methodist Religious Society.

SECT. 5. *Be it further enacted,* That the said trustees may have one common seal, which they may, at pleasure, alter and renew; and all deeds signed by the treasurer and secretary of said corporation, for the time being, and sealed with

their seal, duly acknowledged, shall be good and valid in law. And the said Trustees may sue and be sued in all actions real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Methodist Religious Society in Boston.

SECT. 6. *Be it further enacted*, That Amos Binney, be, and hereby is authorized to fix the time and place of holding the first meeting of said Trustees, and to notify them thereof accordingly. First meeting.

[This act passed *March 3, 1809.*]

CHAP. LXXI.

An act in addition to an act, entitled “ An act in addition to an act, entitled an act to incorporate Aaron Davis and others, by the name of the Worcester Turnpike Corporation.”

WHEREAS the said Worcester Turnpike Road, as the same is now located and made, makes such intersections of various old roads, over which the same crosses and passes, as to render it easy, at all times for persons to travel on the same a greater part of the way, and by turnings off on said old roads, near the several places assigned to receive toll, to avoid the payment of the same ; and whereas there are several portions of said Turnpike road, over which there would be a great travel, provided, the said corporation were authorized to erect gates, subdividing the toll, established in and by their act of incorporation, which would be a great saving and convenience to many people who wish to travel on certain portions of said turnpike, if it could be done without paying a full toll :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Justices of the court of Common Pleas, in each county through which the said road does pass, are hereby authorized to proceed and examine said Turnpike Road, and the several old roads over which the same passes, and if in their opinion, the publick convenience, and the interest of said corporation shall require it, they are hereby fully authorized to impower said corporation, instead of erecting full toll gates on said Turnpike as pointed out in said original act, to erect gates, subdividing

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the

Preamble.

Corporation authorized to erect gates.

the said toll, in such manner, and in such places as the publick good shall seem to them to require, *Provided*, no more toll be taken in the whole, on any one ten miles on said Turnpike, than is authorized in and by said original act.

Proviso.

SECT. 2. *Be it further enacted*, That where the said Justice of the court of Common Pleas shall have viewed said Turnpike road, if they should make any such alterations in the toll gates thereof, after making the same and pointing out the several places, where said sub-toll-gates shall be erected, and establishing the portions of toll, to be received at each one of them, they shall record the same; and the said corporation are hereby directed to erect at some conspicuous place, where the toll is collected, a sign board, with the rates of said subdivided toll thereon.

Sign to be erected.

[This act passed *March 3, 1809.*]

CHAP. LXXII.

An act to incorporate Jeremiah Hill and others, for the purpose of building a Bridge, or Bridges, over Saco River.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jeremiah Hill, Aaron Porter, Ichabod Fairfield, David Cleaves, Edmund Coffin, Nathaniel Goodwin, and Benjamin Gilpatrick, together with such persons as already have or may hereafter, associate with them, be, and they are hereby made and constituted a corporation and body politic, by the name of The Proprietors of the Saco free Bridges, and by that name may sue and be sued, to final judgment and execution, and do, and suffer all matters, acts, and things, which bodies politic may or ought to do or suffer, and the said corporation shall and may have and use a common seal, and the same may break, alter or change when they see cause.

Persons incorporated.

SECT. 2. *Be it further enacted*, That any three of the persons beforenamed may warn and call a meeting of the proprietors aforesaid, to be holden at any convenient time and place, by posting up one advertisement in each of the towns of Biddeford and Saco, three days at least before said meeting, And the said proprietors, by a vote of the majority of those present, shall choose a clerk, and shall also agree on a method of calling future meetings; and at the

Method of calling meetings-

the same or some subsequent meeting may elect such officer, and make and establish such rules and bye-laws as to them shall seem necessary and proper for the regulation of the said corporation, and for the carrying into effect the purposes aforesaid ; and this act and all rules, regulations and proceedings of the said corporation, shall be fairly and truly recorded by their clerk in a book or books for that purpose to be provided and kept.

SECT. 3. *Be it further enacted*, That the said proprietors, be, and they hereby are authorized and empowered to erect a Bridge over the eastern branch of Saco River, between Indian Island and the town of Saco, at any convenient place, below the eastern falls, as may suit the said proprietors. And the said Bridge, shall be well built, with good and durable materials, at least twenty two feet wide, and covered with planks and sufficient railing on each side for the safety of passengers. And whereas a bridge has been built by the said proprietors over the western branch of said Saco River, at the place where the old toll bridge formerly stood, and it is found necessary, that the doings of the said proprietors therein should be confirmed and made valid by an act of the legislature.

Proprietors authorized to erect a bridge.

SECT. 4. *Be it therefore further enacted*, That the doings of the said proprietors in building the said bridge over the said western branch of Saco River between the town of Biddeford and Indian-Island, in the spot where the old toll bridge formerly stood, be, and they are hereby confirmed and made valid, and their property therein in as full and ample a manner as though it had been done under a special act of incorporation therefor, and the same bridge shall be considered and be included within the provisions of this act.

Former doings of proprietors made valid.

[This act passed *March 3, 1809.*]

CHAP. LXXIII.

An act to set off a part of the town of Surry, and a part of the town of Trenton, and to annex them to the town of Ellsworth.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That that part of the town of Surry, in the county of Hancock, which lies northerly of a line, beginning at a stake on the western side of Union river,

Part of Surry to be set off.

near

near its mouth, where the line between lot number twenty, now improved by John Jordon, and lot number twenty one, now improved by Benjamin Lord, touches said river; thence running on the line between said lots, north seventy two degrees west, one mile and twenty two rods to a marked tree; thence north fifty degrees west, to the westerly line of said Surry—and that part of Trenton, in said county, included as follows, viz: beginning at the southeast corner of the town of Ellsworth, in said county, thence running south twenty five degrees west, three miles one hundred and ten rods; thence south eighty one degrees west to Union river Bay; thence northerly by said Bay and Union river, to the southern boundary line of said Ellsworth, and thence east on said line, two miles to the place of beginning, be, and they are hereby set off from the said towns of Surry and Trenton, and annexed to the said town of Ellsworth. And the inhabitants of the parts thus annexed to said town of Ellsworth, shall hereafter be considered inhabitants of said town, and shall there exercise and enjoy all civil rights and privileges, and be subject to all civil duties and requisitions in like manner as the other inhabitants of said town: *Provided however*, That the said inhabitants of the parts thus annexed to the town of Ellsworth, shall be respectively holden to pay their due proportions of all monies granted, prior to the passing of this act, by either of the towns to which they heretofore respectively belonged; the same being legally assessed.

SECT. 2. *Be it further enacted*, That there shall be taken twelve cents from the town of Surry, and four cents from the town of Trenton, in the state valuation, and added to the town of Ellsworth, which shall be the rule for assessing the said towns, for state and county taxes, until there shall be a new valuation taken.

[This act passed *March 3, 1809.*]

CHAP. LXXIV.

An act incorporating Michael Collins and others, by the name of The Massachusetts Salt Work Company.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Michael Collins, Elkanah Cobb, Winslow Lewis, James A. Allen, Peter Dickerman, Benjamin

min Rich, Philip K. Ridgeway, Joseph Clark, Azariah Smith, Peter B. Hall, and Prince Snow, Jun. with such others as already have or may hereafter associate with them, Persons incorporated. their successors and assigns, be, and hereby are made a Corporation, by the name of "The Massachusetts Salt Work Company," for the purpose of manufacturing Salt in the county of Barnstable, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of the General Court, entitled, "An act defining the general powers and duties of manufacturing corporations."

SECT. 2. *Be it further enacted,* That said company may be lawfully seized and possessed of such real estate within either or both of the towns of Eastham and Wellfleet, not exceeding the value of Thirty thousand dollars, and such personal estate not exceeding the value of Forty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of Marine Salt within the county of Barnstable.

[This act passed *March 3, 1809.*]

CHAP. LXXV.

An act in addition to an act, entitled, "An act to incorporate the Proprietors of a New Meeting House in the fourth parish in Newbury, in the county of Essex.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* Proprietors empowered. That the Proprietors of the New Meeting House in the fourth Parish in Newbury, and the members of the said parish qualified by law to vote in town or parish meetings, are hereby authorized and empowered to exercise all the rights and privileges vested by law in said fourth parish.

SECT. 2. *Be it further enacted,* That the proprietors of said meeting house and the members of said fourth parish in Newbury, be, and they hereby are authorized and empowered, at any time hereafter, to exempt from taxation, for the support of publick worship in said parish the polls and estates of any of the inhabitants of said parish who will produce a certificate from any religious incorporated society, that they have entered their names and are admitted as members of such society; and are willing to be subjected to

to taxation therein, and shall pay their proportion of the money raised in said parish previous to such certificate.

SECT. 3. *Be it further enacted*, That the society to which such persons are admitted as members, be, and they hereby are authorized to tax their polls and estates, for the support of publick worship in the same proportion as they do their other members of said society, and until they shall return and become members again, their living within the limits of the fourth parish in Newbury, notwithstanding.

Persons to be
taxed.

SECT. 4. *Be it further enacted*, That the society who worship in said meeting house, and the members of said fourth parish in said Newbury, be, and they are hereby authorized to tax all the polls and estates of such person or persons who shall regularly and statedly attend publick worship in said meeting house who are inhabitants of the town of Newburyport, and they shall be entitled to the privileges of said society notwithstanding their living within the bounds of said Newburyport: *Provided*, That such person or persons inhabitants of Newburyport aforesaid, who shall become a member or members of said fourth parish, shall first have entered his or their name or names with the clerk of the society in Newburyport to which they have belonged and may leave, in manner prescribed by law.

[This act passed March 3, 1809.]

CHAP. LXXVI.

An act to incorporate the plantation called New-Waterford, in the county of Kennebeck, into a town by the name of Malta.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called New-Waterford, in the county of Kennebeck, contained within the following boundaries, with the inhabitants thereof, be, and hereby are incorporated into a town by the name of Malta. Beginning at the southeast corner of the town of Harlem, thence running westerly by said Harlem to the northeast corner of Augusta; thence southerly by said Augusta and Hallowell, six miles to the north line of Ballstown; thence east southeast about five miles and a quarter to the main branch of Sheeps-cut river; thence northerly up said river to the long pond; thence over said pond to the first

first mentioned bounds. And the said town is hereby vested with all the powers, privileges and immunities which other towns within this Commonwealth, do or may by law enjoy.

SECT. 2. *Be it further enacted*, That any Justice of the Peace within the county of Kennebeck, may, and he is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of Malta, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the month of March or April annually.

Justice to issue his warrant.

[This act passed *March 3, 1809.*]

CHAP. LXXVII.

An act to incorporate a society by the name of the Maine Missionary Society.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Rev. Tristram Gilman, Ezekiel Emerson, Jonathan Scott, Jotham Sewall, Kiah Baily, Eliphalet Gillet, Jonathan Ward, William Jenks, Jonathan Fisher, Mighill Blood, David Thurston, Amasa Smith, and John Dutton; Deacon Asa Chase, General Henry Sewall, Hon. Mark L. Hill, Hon. Ammi R. Mitchell, William Webb, Samuel Wood, Jacob Mitchell, and Nathaniel Coffin, Esqs. with their associates, and such as may hereafter unite with them, for the purposes of extending the knowledge of God our Saviour, by sending the glorious gospel, to those who are destitute of the publick and stated means of religious instruction, be, and they are hereby incorporated, and made a body politic, and corporate, for the purposes aforesaid, by the name of The Maine Missionary Society, to continue and exist for the term of twenty years from the passing of this act, and that name may sue, and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and may have a common seal, which they may break, change, alter, or renew at pleasure.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said corporation, are hereby made capable of taking and holding real estate, of any kind in fee simple, or other estate, not exceeding the

the

the annual income of fifteen thousand dollars, and of taking and holding personal estate by donation, bequest, or otherwise, not exceeding the annual income of ten thousand dollars, the annual income of all which real and personal estate be applied to the purpose of diffusing christian knowledge, in such manner as the corporation shall judge will be most conducive to the design of their institution. *Provided*, that all the missionary teachers, who may be employed by said Corporation, shall be of the protestant religion, and of reputed piety, prudence and learning.

Proprietors to hold estate.

Proviso.

SECT. 3. *Be it further enacted*, That the said corporation may annually choose by ballot a President, Secretary, Treasurer, and such number of Trustees as they may think proper, not less than nine, and such other officers as they shall judge necessary, all of which officers, when chosen may hold their offices until others are chosen in their stead; and in case of death, or resignation of either of said officers, said corporation shall have a right in like manner, at any meeting regularly called for the purpose, to choose others to fill any vacancies which may so happen: *Provided, however*, that the officers which have been already chosen by the persons aforesaid, and their associates, shall continue to hold the offices, to which they have been respectively elected, until said corporation shall choose others in their stead, agreeably to the directions in this act.

Choice of officers.

Proviso.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized at their first meeting to be held under this act, by vote of the majority of the members present at said meeting, to make and establish such rules, regulations, and bye-laws, for their government, subject to such revision, alterations, or additions, to be made at any regular subsequent meeting, as said society shall judge necessary for the well ordering of the affairs of said corporation, and will best promote the design of their institution; and may annex reasonable penalties to the breach of such rules, regulations, and bye-laws, *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

SECT. 5. *Be it further enacted*, That particular accounts of the funds, donations, and disposal thereof, shall be exhibited by the Treasurer, or in case of his absence by the Secretary, at the stated annual meeting of said society, a committee of said society having first examined and certified the same to be true and fair entries shall be made in books to be provided for that purpose, of all donations made

Treasurer to make report.

to the said society, and of all the real and personal estate belonging to the same, and the said books shall be brought to the general stated annual meetings, and be there open for the perusal and examination of the members.

SECT. 6. *Be it further enacted*, That the Rev. Eliphalet Gillet, be, and he is hereby authorized to call the first meeting of said corporation by publishing a notification of the time and place where the same shall be held, in the Portland Gazette, printed in Portland, fourteen days at least, previous to such meeting.

SECT. 7. *Be it further enacted*, That the legislature of this Commonwealth, shall at any time have the right, by a committee of their body to inspect the doings, funds, and proceedings of said corporation, and for that purpose shall have access to all books, and papers of said corporation, and shall also have power to dissolve said corporation at their will and pleasure.

(This act passed *March 3, 1809.*)

CHAP. LXXVIII.

An act in addition to an act passed in the year of our Lord one thousand eight hundred and two, entitled "An act for the preservation and regulating the taking the fish called Alewives in the brook running from West Quiticus pond, to the east Quiticus pond, near the line between the towns of Middleborough and Rochester, in the county of Plymouth."

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this act, the agents appointed by the town of Middleborough and the town of Rochester in pursuance of the act to which this is in addition, are respectively authorized to sell the right of taking said fish in said brook on every day in the week, Sundays only excepted, and the purchaser or purchasers, shall have the same right to take said fish, on each and every day in the week, Sundays excepted, as purchasers had under said act, to take them on Tuesdays, Wednesdays, and Thursdays; and shall also be holden by all the restrictions and regulations provided in said act.

Agents authorized to sell the right of taking fish.

SECT. 2. *Be it further enacted*, That if any person living without the limits of the county of Plymouth shall of-

send against the provisions of this act, or of the act to which this is in addition, any Justice of the peace in the county where such person lives or resides, is hereby authorized and empowered to take cognizance of, hear, and determine all such offences, in the same manner as if the offence had been committed within the county for which he is a Justice of the Peace.

SECT. 3. *Be it further enacted*, That all forfeitures incurred by the provisions of this act, shall be recovered in the manner and to the uses specified in the act, to which this is in addition.

[This act passed *March 3*, 1809.]

CHAP. LXXIX.

An act to incorporate the First Congregational Parish in the town of Windham.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Paul Little, Josiah Chute, Samuel Barker, Jonathan Andrew, Ephraim Winship, Joseph Chadburn, William Stevens, John Stevens, Asa Senter, John Chute, John Mugford, Joshua Wilson, Jonathan Wilson, Abraham Anderson, Elijah Hunnewell, Wm. Hunnewell, James Mayberry, jun. John Crague, Hezekiah Frost, Peter T. Smith, Hezekiah Smith, Thomas Chute, John Gallison, Paul Little, Jun. John Gallison, jun. Robinson Davis, Peter Brown, Thomas Barker, Silvanus Gallison, Charles Johnson, N. J. Senter, Eben. Proctor, jun. John Trickey, Rowland Rand, Josiah Webb, Robert Plumer, James Mayberry, Edward Anderson, William Hanson, Simeon Goold, Abraham Anderson, jun. Robert Lovet, Jonathan Lovet, jun. Joshua Emery, James Emery, Jonathan Leavit, William Lovit, William Elkins, and David Chute, together with their families and estates, and such others of the inhabitants of said town of Windham, as may hereafter associate with them, be, and they are hereby incorporated into a Religious Society by the name of The First Congregational Parish in Windham, with all the powers, privileges, and immunities to which other parishes and religious societies are entitled, by the Constitution and Laws of this Commonwealth.

Persons incor-
porated.

SECT.

SECT. 2. *Be it further enacted*, That nothing in this act shall be construed, to alter, or in anywise affect the rights, secured to them, by an act passed the second day of March in the year of our Lord one thousand eight hundred and four, entitled, “ An act to establish a fund for the support of the Congregational Minister in the town of Windham, in the county of Cumberland, and appointing Trustees for the management thereof.

SECT. 3. *Be it further enacted*, That any Justice of the Peace in the county of Cumberland is hereby authorized and empowered to issue his warrant directed to some suitable inhabitant of said town of Windham, requiring him to notify and warn a meeting of the members of said Congregational Parish, at such time and place as shall be expressed in said warrant, for the purpose of choosing such officers as parishes are by law empowered to choose in the month of March or April annually.

Justice to issue his warrant.

[This act passed *March 3, 1809.*]

CHAP. LXXX.

An act in addition to “ An act directing the process in Habeas Corpus.”

WHEREAS the Supreme Judicial Court in term time, and any one or more of the Judges thereof in the vacation time of said Court, are respectively authorized and required to award a writ of Habeas Corpus, but no authority is given to any one Judge of said Court, to award that writ in term time, from which defect great inconvenience may arise. *Therefore*

Preamble.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any one Judge of the Supreme Judicial Court in term time, as well as in the vacation, shall be, and is hereby authorized and required to award the writ of Habeas Corpus in due form of law, directed to the officer, or person imprisoning or restraining the complainant, returnable forthwith to such Judge who ordered the same, or to any other Judge of said Court, in all cases, where by the Constitution and the law of the land, that writ ought to be awarded.

Judge authorized to award the writ of Habeas Corpus.

[This act passed *March 4, 1809.*]

CHAP.

CHAP. LXXXI.

An act in addition to an act, entitled, “ An act to incorporate a number of the inhabitants of the town of Standish, in the county of Cumberland, into a distinct Religious Society by the name of the First Baptist Society in Standish.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person wishing to become a member of the aforesaid Baptist Society, who shall give in his or her name to the clerk of the town or parish to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of the same, fourteen days previous to the town or parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estates be considered as part of said society: *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed in the town or parish to which he or she belonged previous to that time.

[This act passed *March 4, 1809.*]

CHAP. LXXXII.

An act to incorporate a town in the county of Washington, by the name of Jonesborough.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, viz: beginning at the mouth of India River, and running northerly by said river to the northeast corner of the town of Addison; thence due north on the easterly line of the town of Columbia, two miles and one hundred and fifteen rods, to the southern line of township number twenty three; thence easterly on said line six miles and one hundred and fifty rods to Machias west line; thence southerly and easterly on said Machias line to Little Kennebeck Bay; thence by said Bay and the sea shore to the first mentioned bounds, together with all the Islands lying south of the same, and within three leagues of the shore, and also the inhabitants

tants thereon, be, and they hereby are incorporated into a town by the name of Jonesborough, and the said town is hereby invested with all the powers, privileges and immunities which other towns in this Commonwealth, do or may enjoy by law.

SECT. 2. *Be it further enacted,* That Stephen Jones, esq. be, and he is hereby empowered and required to issue his warrant directed to some suitable inhabitant of the said Jonesborough, directing him to warn the inhabitants thereof to assemble at some proper time and place to be expressed in said warrant, for the purpose of choosing such town officers as towns are by law empowered to choose in March or April annually.

[This act passed *March 4, 1809.*]

CHAP. LXXXIII.

An act incorporating Simon Larned and others by the name of The Pittsfield Woollen and Cotton Factory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Simon Larned, Elkanah Watson, Joshua Danforth, James D. Colt, Jun. Jared Ingersol, Oren Goodrich, with such others as already have, or hereafter may associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Pittsfield Woollen and Cotton Factory, for the purpose of manufacturing woollen and cotton in the town of Pittsfield, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of manufacturing corporations.

Persons incorporated.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of Thirty thousand dollars, and such personal estate, not exceeding the value of Forty five thousand dollars, as may be necessary and convenient for carrying on the manufactory of woollen and cotton in the said town of Pittsfield.

Corporation to hold property.

[This act passed *March 4, 1809.*]

CHAP. LXXXIV.

An act in addition to an act, entitled “An act establishing a Corporation by the name of The Social Insurance Company.”

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the first meeting of the members of the Social Insurance Company aforesaid, may be called and held in the manner prescribed by the act for establishing said corporation, at any time within one year from and after the third Monday of April next, and the directors chosen at such first meeting shall continue in office until the third Monday of April next, following their election, and until others shall be chosen, and no longer; and thereafterwards the directors of said company shall be chosen annually in the manner prescribed by the said act for establishing the said corporation, any thing in the said act to the contrary notwithstanding.

[This act passed *March 4, 1809.*]

CHAP. LXXXV.

An act to incorporate Samuel Jenks and others by the name of The Adams Cotton and Woollen Manufactory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Jenks, Thomas Jenks, Jesse Whipple, John Bucklin, Arthur F. Field, John Lap- ham, Seth Comstock, Josiah Quincy Robinson, Isaac Brown, Philip Mason, and Charles Walker, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation by the name of The Adams Cotton and Woollen Manufactory, for the purpose of manufacturing Cotton in the south part of Adams, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled “An act defining the general powers and duties of Manufacturing Corporations.

Persons incor-
porated.

SECT.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding the value of Forty thousand dollars, and such personal estate not exceeding the value of Sixty thousand dollars, as may be necessary and convenient for carrying on the manufactory of Cotton and Wool in the south part of Adams.

Corporation to hold property.

[This act passed *March 4, 1809.*]

CHAP. LXXXVI.

An act in addition to an act, entitled “ An act to incorporate certain proprietors of Meadow lands lying on Charles River, Stop River, and Bogestow Brook, within the towns of Medway, Medfield, and Sherburne, for the purpose of draining off the stagnant waters, and for better improving said lands.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of certain meadow lands mentioned in an act, entitled “ an act to incorporate certain proprietors of meadow lands, lying on Charles River, Stop River, and Bogestow Brook, within the towns of Medway, Medfield, and Sherburne, for the purpose of draining off the stagnant water, and for the better improving said lands,” passed on the first day of March 1805, shall be, and are hereby authorized and empowered to dig canals and dykes at such places on and near said meadow lands, and in such mode and extent as said proprietors shall deem fit and necessary to drain off said waters, and for the better improvement of said lands, and the said proprietors are hereby authorized to vote, and raise monies to defray the expense of said canals and dykes in the same manner, as in and by the act to which this is an addition, they have or can have to defray other expenses to effect the purposes enumerated in said act.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said proprietors shall be held in their individual capacity to pay all damage which shall be sustained by any person or persons whose land shall be taken, broken, and appropriated, by said proprietors in digging and erecting said canals and dykes, which damage if no agreement can be made, shall be estimated and appraised by three disinterested and discreet freeholders

Proprietors to pay damages.

Justice to ap-
point commit-
tee.

holders of the same county where the land lies, which Committee, the Justices of the Court of Common Pleas for the county of Norfolk, are hereby authorized to appoint application being to them made for the same, who shall be sworn faithfully and impartially to appraise the said land and damage, and who shall report their doings to the next Court of Common Pleas which shall be holden in said county after they shall have made their appraisement, a major part of whom, having signed said report, the said court may proceed to accept the same, which report when so accepted shall be final, unless either of said parties shall petition said court for a Jury.

[This act passed *March 4, 1809.*]

CHAP. LXXXVII.

An act to incorporate Samuel Kellogg and others by the name of the Hoosack Cotton, Woollen and Linen Manufactory.

Persons incor-
porated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Kellogg, John Waterman, Marshall Jones, Elihu Wells, James Cummings, jun. Richard Knight, and Jeremiah Colegrove, together with such other persons as already have or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation by the name of the Hoosack Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing Cotton, Woollen, and Linen, in the north part of the town of Adams, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled, "an act defining the general powers and duties of manufacturing corporations.

Corporation to
hold property.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding the value of seventy five thousand dollars as may be necessary and convenient for establishing and carrying on the manufactory of Cotton, Woollen, and Linen in the north part of Adams, aforesaid.

[This act passed *March 4, 1809.*]

CHAP. LXXXVIII.

An act to incorporate Abijah Richardson and others, by the name of The Medway Cotton Manufactory.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abijah Richardson, Luther Metcalf, Nathaniel Miller, Comfort Walker, Philo Sanford, Lyman Tiffany, John Blackburn, and William Felt, together with such other persons as already have, or may hereafter associate with them, their successors, and assigns, be, and they hereby are made a corporation, by the name of The Medway Cotton Manufactory, for the purpose of manufacturing Cotton at Medway, in the county of Norfolk; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of the General Court, entitled "An act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of Fifty thousand dollars, and such personal estate, not exceeding the value of One hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the Manufacture of Cotton, at Medway aforesaid.

Corporation to hold property.

[This act passed *March 4, 1809.*]

CHAP. LXXXIX.

An act to incorporate William Walker and others, by the name of The Lenox Cotton, Woollen and Linen Manufactory.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Walker, Eldad Lewis, Levi Belden, Levi Hoyt, Joseph Tucker, Isaac Ellis, Charles Worthington, Tully Crosby, Ashbel Hills, David Osborn, Ezra Blossom, Origin Sabins, Elijah Thomas, Asahel Landers, Elijah Gates, Daniel Collins, Thomas S. Curtis, Paul Weller, Gamaliel B. Whiting, Oliver Beldin, jun. Asher Sedgwick, Eleazer Phelps, Josiah Curtis, Levi

Persons incorporated.

Curtis, Joseph Abby, Samuel Wright, jun. John S. Smith, Chauncy Whittlesey, Enos Stone, jun. Stephen Wells, Josiah Newell, Allen Metcalf, Caleb Hyde, Enos Stone, Stephen Wells, jun. Levi Glezen, John G. Stanley, John Bennett, John Willard, Daniel Follitt, Daniel Williams, jun. Abner Bangs, Gurdin Hollister, Henry Taylor, Samuel Foster, and William P. Walker, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation by the name of The Lenox Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing Cotton, Woollen and Linen at Lenox, in the county of Berkshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of manufacturing corporations."

Corporation to hold property.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of Fifty thousand dollars, and such personal estate, not exceeding the value of One hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of Cotton, Woollen and Linen at Lenox aforesaid.

[This act passed *March 4, 1809.*]

CHAP. XC.

An act to incorporate Ezra Smith and others, by the name of The Brunswick Cotton Manufactory.

Persons incorporated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ezra Smith, Benjamin Jones Porter, John Perry, jun. together with such other persons as already have or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation by the name of The Brunswick Cotton Manufactory, for the purpose of manufacturing cotton at Brunswick, in the county of Cumberland; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SECT.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of Fifty thousand dollars, and such personal estate, not exceeding the value of One hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the Manufactory of Cotton at Brunswick.

Corporation to hold property.

[This act passed March 4, 1809.]

CHAP. XCI.

An act in addition to an act, entitled "an act to remove and prevent obstructions to the passage of Shad, Alewives and other fish, in Parker River, and the Falls River, so called, in the county of Essex, and the Streams and Brooks running into the said Falls River.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person or persons whatever, be allowed from and after the passing of this act, to catch with dip nets through the ice any Bass, Shad, Alewives or other fish in Parker River, the Falls River, so called, in the county of Essex, and the streams and brooks running into the said Falls River and in Rowley River; and any person or persons, so offending shall forfeit and pay for each offence a fine not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom trial shall be had, according to the aggravation of the offence.

Not to be taken through the ice.

SECT. 2. *Be it further enacted,* That from and after the passing of this act, no person or persons whatever be allowed to take by seines any Bass, Shad, Alewives or other fish in Parker River, Rowley River, the Falls River, and streams and brooks running into the said Falls river, excepting within that part of Parker river, lying more than seventy rods below the Falls, by John Lee's manufactory, and any person or persons so offending shall forfeit and pay for each offence a fine not less than five dollars nor more than twenty dollars, at the discretion of the court before whom trial may be had, according to the aggravation of the offence.

Not to be taken with seines.

SECT. 3. *Be it further enacted,* That from and after the passing of this act, no person or persons whatever be allowed to catch any Bass, Shad, Alewives, or other fish,

offence.

oftener or more than two days in a week, the days to be Monday and Tuesday, and from sun rise on Monday morning to sunrise on Wednesday morning. And if any person or persons shall catch any Bass, Shad, or Alewives in Parker River, the Falls River, and streams and brooks running into Falls river, and in Rowley river, or shall drag any seine or drag net, or set any net, or use any other machine, for the purpose of catching any of the said fish in the said rivers and streams, at any other time or place, than by this act is allowed, each and every person so offending shall forfeit and pay for each offence a fine not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom trial may be had, according to the aggravation of the offence, and the seine net, pot, or other machine, shall be forfeited.

SECT. 4. *Be it further enacted,* That from and after the passing of this act, no person or persons whatever shall be allowed at any time to catch by seines, nets, pots, or any other way, any Bass, Shad, Alewives, or other fish, within six rods of any mill dam, or other dams, or of any sluice or passage way, through or by any mill dam or other dam that is or may be made across the said rivers and streams, or shall place any obstructions in the said sluice or passage ways in the said rivers and streams, and each and every person so offending shall for each offence forfeit and pay a fine not less than five dollars, nor more than twenty dollars, at the discretion of the court before whom trial may be had, according to the aggravation of the offence.

SECT. 5. *Be it further enacted,* That the several towns of Newbury, Rowley, and Boxford, shall at their annual meetings for the choice of officers, respectively choose by ballot, a committee of three persons in each town, whose duty it shall be jointly and severally to carry into effect the provisions of this act, and the act to which this is an addition; and the said committee before they enter on the execution of their office, shall be sworn to the faithful and impartial discharge of their duty, in the same manner as other town officers are sworn, and when so sworn they shall have power to pursue, and are hereby authorized to pursue and execute the duties of their said office on any part of the aforesaid rivers and streams within either of the aforesaid towns.

SECT. 6. *Be it further enacted,* That all fines and forfeitures incurred by a breach of this act, may be sued for and recovered in any court proper to try the same, one moiety

When to be taken.

Not to be taken within six rods of a dam.

Committee to be chosen.

Fines.

moiety thereof to him or them, who may sue and prosecute for the same, the other moiety to the use of the towns of Newbury, Rowley and Boxford.

SECT. 7. *Be it further enacted,* That the said committee, chosen as aforesaid, shall meet at the lower Dam on the Falls river, in Newbury; near John Lee's manufactory; on the third Monday in May annually, at ten o'clock in the forenoon, and shall meet at such other times and places within each year as the committee may find necessary and at such meetings the majority of the committee present shall have the power of the whole committee.

Committee to meet.

SECT. 8. *Be it further enacted,* That the said committee, at their meetings in manner aforesaid, are hereby authorized and empowered to order and direct from time to time, such alterations as may to them appear necessary in the several sluice or passage ways, provided by the act to which this is in addition, and any owner or occupant of any mill dam or or other dam across any of the said rivers and streams, who shall neglect to make the alterations in the said sluice or passage way, and cause the same to be kept open and daily supplied with water, as directed by the committee, from the fifteenth day of April to the first day of June, annually, after being duly notified by the committee, shall forfeit and pay for each offence the same fine and in the same manner as is provided for a similar offence by the act to which this is an addition.

Empowered.

[This act passed March 4, 1809.]

CHAP. XCII.

An act in addition to an act, entitled "an act for the providing and regulating of Prisons."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all boundaries of the goal yards to the several goals, heretofore determined and assigned by the Court of General Sessions of the Peace, in the several counties in this Commonwealth, shall be, and hereby are rendered legal and valid to all intents and purposes, and no person, having given bond conditioned, that from the time of executing such bond, he will continue a true prisoner in the custody of the goaler, and within the limits of the said prison, until he shall be lawfully discharged, without committing

Boundaries.— what there be included.

committing any manner of escape, shall be considered as having committed any manner of escape in consequence of having entered into or upon any private estate or property, or into any publick building, or upon any publick highway or town way lying within the limits of such goal yard, assigned by any of the Courts aforesaid: *Provided* that nothing herein shall be construed to affect the rights of any individuals owning real estate within such limits, nor to affect any suit wherein final judgment has been rendered by the Supreme Judicial Court.

[This act passed *March 4, 1809.*

CHAP. XCIII.

An act to incorporate a Society by the name of The Eastern Society for promoting the knowledge of the sacred Scriptures, and establishing Christian order, instruction and piety, in the District of Maine.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Rev. Hezekiah Packard, Rev. Josiah Winship, and the Hon. Woodbury Storer, Esq. with their associates, for the purpose of diffusing the knowledge of the sacred scriptures, in the District of Maine, be, and they are hereby incorporated and made a body politick and corporate for the purpose aforesaid, and by the name of The Eastern Society for promoting the knowledge of the sacred scriptures and establishing Christian order, instruction and piety in the District of Maine, to continue and exist for and during the term of fifteen years from the passing of this act, may sue, and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have, and use a common seal, which they may break, change, alter, or renew at pleasure.

SECT. 2. *Be it further enacted,* That the said corporation are hereby made capable of taking and holding real estate of any kind, in fee simple, or other less estate, not exceeding the annual income of fifteen thousand dollars, and of taking and holding personal estate, by donation, bequest, or otherwise not exceeding the annual income of ten thousand dollars, the annual income of all which real and personal estate, shall be applied to the purpose of diffusing Christian knowledge, in such manner as the corporation shall judge

Persons incor-
porated.

To hold prop-
erty.

judge will be most conducive to the design of their institution, *Provided*, that all the Missionary Teachers, who may be empowered by said corporation shall be of the Protestant Religion, and of reputed piety, prudence, and learning.

Proviso.

SECT. 3. *Be it further enacted*, That the said corporation may annually choose by ballot a President, Secretary, Treasurer, and such number of Trustees, as they may think proper, not less than seven, and such other officers as they shall judge necessary, all of which officers when chosen, may hold their offices until others are chosen in their stead, and in case of death, or resignation of either of said officers, said corporation shall have a right in like manner, at any meeting regularly called for the purpose, to choose others to fill any vacancies which may so happen, *Provided, however*, that the officers which have been already chosen by the persons aforesaid, and their associates shall continue to hold the offices to which they have been respectively elected, until said corporation shall choose other in their stead, agreeably to the directions of this act.

Choice of officers.

Proviso.

SECT. 4. *Be it further enacted*, That said corporation be, and hereby is authorized at their first meeting, to be held under this act, by vote of the majority of the members present at said meeting, to make and establish such rules, regulations and bye-laws, for their government, subject to such revisions, alterations, or additions, to be made at any regular subsequent meeting, as said society shall judge necessary for the well ordering of the affairs of said corporation, and will best promote the design of their institution, and may annex reasonable penalties to the breach of such rules, regulations, and bye-laws, *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

Rules, regulations, &c.

Proviso.

SECT. 5. *Be it further enacted*, That Charles Coffin, esq. be, and he hereby is authorized to call the first meeting of said corporation, by publishing a notification of the time and place, where the same shall be held in the Newspapers printed in Portland, fourteen days at least previous to such meeting. And to the end that the members of said society and all contributors to said design may know the state of the funds of said society, and of all donations made to the same, and of the disposal thereof,

Notice of meeting.

SECT. 6. *Be it further enacted*, That particular accounts of such funds, and the disposal thereof, shall be exhibited by the Treasurer, or in case of his absence by the Secretary at the stated annual meeting of said society, a committee

Of accounts.

of

of said society having first examined and certified the same to be true, and fair entries shall be made in books, to be provided for that purpose, of all donations made to the society, and of all the real and personal estate belonging to the same, and the said books shall be brought to the general annual stated meetings, and be there open for the perusal and examination of the members.

SECT. 7. *Be it further enacted*, That the Legislature of this Commonwealth, shall at any time have the right by a committee of their body to inspect the doings, funds, and proceedings of the said corporation, and for that purpose shall have access to all books and papers of said corporation.

[This act passed *March 4, 1809.*]

CHAP. XCIV.

An act to alter the times allowed by law, for taking fish in the mouth of Concord River.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this act, it shall and may be lawful, to take Salmon, Shad, and Alewives, in the mouth of Concord River, on Monday and Tuesday in each week, from sunrise on Monday morning to sunrise on Tuesday Morning, and at no other times : *Provided*, that such fish shall be taken within the limits prescribed in and by an act, passed on the fourth day of March, one thousand seven hundred and ninety, entitled "An act to regulate the catching of Salmon, Shad, and Alewives, and to prevent obstructions in Merrimack River, and the other rivers and streams running into the same, within this Commonwealth, and for repealing several acts, heretofore made for that purpose." And whoever shall take any of the said fish at any other time without the limits aforesaid shall be subject to the same forfeitures and penalties, to be recovered and appropriated in the same manner as in said act is provided for similar breaches thereof.

[This act passed *March 4, 1809.*]

CHAP. XCV.

An act declaring and confirming the Incorporation of the Proprietors of the Meeting House in Hollis-street, in the town of Boston.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all persons who now are, or may hereafter be, the proprietors of the pews in the congregational meeting house, situate in Hollis-street, in Boston, be, and they are hereby declared and confirmed to be, a body politick and corporate, by the name of The Proprietors of the Meeting House in Hollis-street. And the said corporation shall be, and are hereby deemed in law to be seized of the same Meeting House with the lands under, adjoining, and belonging to the same, with all the privileges and appurtenances belonging thereto, reserving however to the several proprietors of the pews in said Meeting House, their right to, and interest in the said pews respectively.

Proprietors incorporated.

SECT. 2. *Be it further enacted,* That the said proprietors shall meet annually at the said Meeting House, or at such other place as their committee may appoint, on the first Monday of September, and at such other times as they may be duly notified in manner hereafter provided—and at said annual meeting, after having chosen a moderator, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and it shall be his duty to record all the votes and all the proceedings of the said proprietors; also shall choose a treasurer, and committee consisting of three persons, and also two other persons shall be chosen as assessors, to be occasionally joined with the said committee to form a board of five assessors, for the purpose of laying assessments as is hereinafter provided; who shall continue in office for one year, and until others are chosen in their room: *Provided however,* If from any cause, the said annual meeting should not be holden, then the said officers may be chosen at any other meeting, duly notified for that purpose—and the said committee shall notify any meeting of the proprietors by causing a printed notification stating the business of said meeting, to be delivered to each proprietor or left at his dwelling house three days at least before such meeting, or by leaving the notification in the pew of such proprietor, should a day of publick worship intervene.

Choice of officers.

Proviso.

SECT. 3. *Be it further enacted,* That the proprietors aforesaid shall be, and they hereby are authorized to repair their Meeting House, and to enlarge the same; or to take down their present Meeting House, and to erect a new one; and also to build a Parish House for their Minister on their parish land; or to sell a portion of their said land, and to purchase or build a Parish House on other ground, and to hold real and personal estate by donation or purchase, to the amount of Fifty thousand dollars, for the purpose of a Ministerial House, with suitable accommodations; and also for such purpose as any Donor or Testator may prescribe; which amount shall be over and above the value of their House for public worship. And said proprietors are also authorized, and hereby empowered from time to time, to make such repairs, and to raise such sums of money as they may find necessary for the maintenance and support of the publick worship of God, and for other parochial and incidental charges. And the said proprietors shall be entitled to all the rights they have heretofore enjoyed, and shall be bound by all the contracts they have heretofore entered into.

SECT. 4. *Be it further enacted,* That all monies voted to be raised by said proprietors for the purposes aforesaid, shall be assessed by the said committee and assessors jointly, or by the major part of them, upon the several proprietors of the pews according to the relative value of said pews, regard being had to their situation and convenience according to the best judgment and discretion of said committee and assessors; and they shall make out a list of such assessments stating the number of the pew, the name of the proprietor, and the instalment or instalments by which the payment or payments shall be made, and deliver the same to the clerk, who shall charge each proprietor with such assessment; and the clerk shall make out a bill against each proprietor, and deliver the bill to the committee, whose duty it shall be to apply for, and collect such assessments; and the committee shall from time to time inform the clerk, the amount they collect from each proprietor, and the clerk shall credit such proprietor therewith; and all assessments and monies so collected shall be paid by the committee into the hands of their treasurer, subject to the order of the chairman of said committee for the discharge of the parish debts of said proprietors.

SECT. 5. *Be it further enacted,* That all the proprietors of pews in the meeting house aforesaid, shall hold their pews under their respective deeds, and the pews shall be considered

Empowered.

Of assessments.

ered personal estate ; and whereas the deacons of the church usually assembling for publick worship in said meeting house for the time being, have heretofore been the committee to sign all the deeds of pews in said meeting house, so shall they continue to be the committee for that purpose ; and they shall convey by deed a pew to one (and no more than one) person to be the owner and proprietor thereof at the same time , and if any proprietor shall neglect to pay his or her tax, or assessment on his or her pew, for the space of nine months or be in arrears, the committee shall be, and hereby are authorized to advertise the pew of such delinquent proprietor for sale, for the space of three weeks, in one of the publick newspapers printed in Boston ; and then, if all the arrears are not paid, to sell the same at publick auction to the highest bidder, and deduct all such arrears, with the cost of sale, and pay over the balance, if any there be, to the said proprietor ; and any proprietor, his or her heirs, on leaving the meeting house, shall first offer their pew to the deacons and committee aforesaid, that the committee may purchase the same ; and if the committee neglect to purchase such pew for the space of thirty days, then the proprietor is at liberty to sell said pew at his or her pleasure, to one person only : *Provided*, all arrears due thereon are first paid ; and all deeds and transfers of said pews shall be recorded by the clerk.

Of pews.

Proviso.

SECT. 6. *Be it further enacted*, That William Brown, Benjamin Bussey and Benjamin Goddard, or any two of them, may cause the first meeting of the proprietors to be called for the purpose of choosing the officers of the said corporation, and for any other purpose specified in the notification : the meeting to be notified in such manner as is provided in and by the second section of this act ; and it shall be legal for their present officers and committee to continue in office until others are chosen by virtue of this act.

Meetings.

[This act passed *March 4*, 1809.]

CHAP. XCVI.

An act to incorporate the Proprietors of Cambridge Port Manufactory.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority*

Persons incor-
porated.

authority of the same, That Rufus Davenport, Henry Hill, Samuel May, Elijah Davenport, Pliny Cutler, and such other persons as may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation by the name and style of Cambridge Port Manufactory, for the purpose of manufacturing Cotton, and Sea Salt, in Cambridge Port, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties and regulations contained in an act passed the present session of this General Court, entitled "An act defining the general powers and duties of Manufacturing Corporations."

Corporation to
hold property.

SECT. 2. *Be it further enacted,* That said Corporation may take and hold real estate, not exceeding the value of Fifty thousand dollars, and personal estate, not exceeding the value of Two hundred thousand dollars, for the purposes of establishing and carrying on the manufactory of Cotton and Salt, in Cambridge Port aforesaid.

[This act passed *March 4, 1809.*]

CHAP. XCVII.

An act to alter the names of certain persons therein mentioned.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, Joseph Clark of Boston, in the county of Suffolk, shall be allowed to take the name of Joseph Dyar Clark, that Joseph Newell of Boston aforesaid, shall be allowed to take the name of Joseph Reynolds Newell; that Daniel Parker of Boston aforesaid, shall be allowed to take the name of Daniel Pinckney Parker, that William Hayes of Charlestown, in the county of Middlesex, shall be allowed to take the name of William Allen Hayes, that William Hales (otherwise Littlehale) of Gloucester in the county of Essex, shall be allowed to take the name of William Hales; that Micajah Marston of Salem, in the county of Essex, shall be allowed to take the name of Morrill Marston; that Charles Curtis of Roxbury in the county of Norfolk, shall be allowed to take the name of Charles Dormer Curtis; that Richard Williamson of Dedham in the county of Norfolk shall be allowed to take the name

name of Richard Leland ; that Bille Metcalf of Franklin in the county of Norfolk shall be allowed to take the name of William Haven Metcalf ; that Asa Bly, and Elizabeth Bly (otherwise both called Tripp) both of Westport, in the county of Bristol shall be allowed to take the names of Asa Bly, and Elizabeth Bly, that Josiah Linkhornew, Joshua Linkhornew, Dawson Linkhornew, Doane Linkhornew, Andrew Linkhornew, and Joseph Linkhornew, all of Eastham in the county of Barnstable, shall be severally allowed to take the names of Josiah Lincoln, Joshua Lincoln, Dawson Lincoln, Doane Lincoln, Andrew Lincoln, and Joseph Lincoln, that Joseph Pierce the second, of Dorchester in the county of Norfolk, (son of Joseph Pierce of Boston in the county of Suffolk, Esq.) shall be allowed to take the name of Joseph H. Pierce ; that M'Gregore Burnside of Charlestown in the county of Middlesex, shall be allowed to take the name of Samuel M. Burnside ; that Susannah Alexander, of Charlestown in the county of Middlesex, single woman, shall be allowed to take the name of Susanna Fowle ; that George Smith the fifth of Salem, in the county of Essex, shall be allowed to take the name of George Campbell Smith ; and that Joseph Wingate of Bath, in the county of Lincoln, shall be allowed to take the name of Joseph Ferdinand Wingate. And each of the persons before named, shall be severally allowed to assume the said names respectively, and they shall in future be called and known by the said names, and the same names shall hereafter be considered as their only proper names to all intents and purposes.

[This act passed *March 4, 1809.*]

CHAP. XCVIII.

An act to authorize Judges of Probates to remove Executors, Administrators, and Guardians in certain cases.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That where there is more than one executor, or Administrator, and any or either of them shall become insane, or otherwise incapable of, or evidently unsuitable to discharge the trust reposed in him or them, the Judges of Probate, in their respective counties, within this Commonwealth, are authorized, and empowered to remove

move such Executor, or Executors, Administrator, or Administrators, and the other Executor, or Executors, Administrator, or Administrators, may proceed in discharging the trust reposed in him or them, in the same manner, as if said Executor, or Executors, Administrator, or Administrators, so removed were actually dead, and may bring actions of account against them, and recover by any proper legal process, such effects and assets as remain in their hands unadministered at the time of their removal.

SECT. 2. *Be it further enacted,* That when a Feme-sale, shall be appointed by any Judge of Probate, either by herself or jointly with any other person or persons, Guardian to any person, either minor, idiot, non-compos, distracted, or lunatick, and after such appointment, shall marry, such marriage shall not make the Baron Guardian in her right, but shall operate as an extinguishment, or determination of such woman's power and authority.

[This act passed *March 4, 1809.*]

CHAP. XCIX.

An act requiring the several incorporated Banks in this Commonwealth to adopt the Stereotype Steel Plate in certain cases, and for other purposes.

Preamble.

WHEREAS Jacob Perkins of Newburyport, in the county of Essex, hath invented and completed certain Stereotype Steel Plates for the printing of Bank-Bills, and hath obtained from the President of the United States, a patent for the exclusive use of the same; and whereas the said Jacob Perkins, hath given a bond with sureties in the penal sum of ten thousand dollars, to this Commonwealth, conditioned among other things, to print and impress with the said plates, Bank-Bills of the denominations of, One, Two, Three, Four, and Five Dollars, for the use of the several incorporated Banks in this Commonwealth, and to furnish Bank paper for the same, of the best quality, upon the terms which are specified and contained in the said bond, and whereas the publick good requires that the bills of the several denominations aforesaid, should be printed and impressed from the said plates, in order to produce a uniformity in, and to prevent the counterfeiting of, the same.

SECT.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of July next, no bills of the denomination of One, Two, Three, Four, and Five Dollars, shall be issued or emitted by the President Directors, and Company of any Bank, incorporated under the authority of the Legislature of this Commonwealth, unless the said Bills shall be printed and impressed from Stereotype Steel Plates, from which plates original impressions of the Bills of the several denominations aforesaid are deposited in the office of the Secretary of this Commonwealth; nor unless the said Bills of the denomination of five dollars shall have on the back of the same, an impression from the check plates, one of the impressions, from which, is also deposited in the office of said Secretary of said Commonwealth.

Of Bills under
five dollars.

SECT. 2. *Be it further enacted,* That the several incorporated Banks within this Commonwealth, which have heretofore issued their Bills in the names of the President and Directors of said Banks, shall from and after the said first day of July next, issue all their bills of the several denominations aforesaid, in the names of the President, Directors, and Company of the same Banks, any thing in the respective acts of incorporation of said Banks to the contrary notwithstanding.

SECT. 3. *Be it further enacted,* That from and after the said first day of July next, and during the pleasure of the Legislature after that time, the President Directors and Company of all the Banks aforesaid, be, and the same hereby are authorized and empowered to issue and emit Bills of the denominations of One, Two, Three, and Four Dollars to the amount of fifteen per centum of their several capital stocks actually paid in; any thing in their respective acts of incorporation, or any thing in an act, entitled, "an act to authorize the several Banks incorporated within this Commonwealth to issue Bills of the denomination of One, Two, and Three Dollars," made and passed on the fifteenth day of June in the year of our Lord, one thousand eight hundred and five, to the contrary notwithstanding.

Banks authorized to issue
Bills.

SECT. 4. *Be it further enacted,* That from and after the said first day of July next, no person shall pay in discharge of any contracts or bargain, or for any valuable consideration whatever, any Bill or Bills, issued by any bank, or Banking Company other than the Bank of the United States, or the several incorporated Banks in this Commonwealth.

Bills not to be
passed.

wealth

Penalty.

wealth of any less denomination than five dollars, under a penalty of twenty dollars to be recovered of the person so paying the same by action of debt, with costs of suit, or by indictment by the Grand Jury in the Supreme Judicial Court, Court of Common Pleas or the Municipal Court in the town of Boston, to the use of the person or persons, who shall within one year thereafter, sue or prosecute for the same, in which suit or prosecution, the person who shall receive the same bill, or bills, may be admitted as a competent witness, and the bill, or bills, which shall be paid as aforesaid, shall be forfeited to the use of the person, or persons, who shall sue, or prosecute, as aforesaid.

SECT. 5. *Be it further enacted*, That an act,^s entitled "An act to prevent the circulation and currency of Bank-Bills of a denomination less than Five Dollars," made and passed on the eighth day of March, in the year of our Lord, one thousand eight hundred and two, be and the same is hereby repealed.

[This act passed *March 4*, 1809.]

CHAP. C.

An act in addition to an act, entitled "An act to incorporate the proprietors of Mills on Mill Creek, in Dedham, and Neponset River, in Dorchester and Milton.

Notice of meeting.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That in addition to the other provisions necessary for the calling of a legal meeting of said proprietors, the notification for such meeting shall in future be published in the Newspapers printed in Boston by the printers to the General Court, for the time being instead of the Massachusetts Mercury, fourteen days at least before the time for holding such meeting, and at such meeting, it shall be lawful for said proprietors to choose in addition to the officers which by the act aforesaid they have now the right to choose, Assessors, Collector, or Collectors of Taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and shall continue to serve until others are chosen and sworn in their room, which may be as often as said corporation shall judge necessary which officers chosen and sworn as aforesaid, shall have the same power to perform, execute, and carry into effect, any
vote

vote or order of the said corporation, as town officers of like description have by law to do and perform in their respective offices. And said corporation shall at any legal meeting, called for that purpose, have power to vote and raise money for the purposes of removing and clearing out the obstructions in Mill-Creek, and for giving a free and natural course to the waters of said Creek, and all monies which may be voted to be raised as aforesaid, shall be assessed upon each proprietor of the Mills, and Mill privileges situate on the streams aforesaid in proportion to the value of his or her property in said Mills and Mill privileges; and if any proprietor shall refuse or neglect to pay the sum or sums, assessed upon him or her as aforesaid, after sixty days notice, so much of said proprietor's Mill or Mills, Mill rights, or privileges, shall be sold, as will be sufficient to pay the same, together with legal costs, in the same way and manner as non-resident lands in this Commonwealth are sold to pay town taxes:

Assessments.

SECT. 2. *Be it further enacted*, That the removing and clearing out the obstructions aforesaid, shall be done and performed under the immediate direction of such commissioners as shall be appointed by the Supreme Judicial Court, in the same way and manner as commissioners of sewers may be appointed agreeably to an act of the Legislature of this Commonwealth passed in the year of our Lord, one thousand seven hundred and ninety six; and the Supreme Judicial Court, are hereby authorized and empowered, upon application from said corporation, or from their committee, which may be appointed for that purpose, to appoint not less than three, nor more than five suitable persons to be commissioners for the purpose aforesaid; who shall be sworn to the faithful discharge of the trust reposed in them; and said commissioners, when appointed and sworn as aforesaid, shall carefully attend to, and inspect all the digging and removing the obstructions in said Mill-Creek, and particularly to see that the waters shall be disposed of in such a way and manner, as shall least injure the proprietors of the Mills in said Mill-Creek, and those on Charles River stream, and also shall consider and determine upon the just and equal proportion of water, which shall run out of said Charles River down said Mill-Creek stream, for the accommodation of the Mills on said Creek, which proportion shall be determined upon according to the quantity of water, the said Charles River shall afford, and the privileges the proprietors of Mills have heretofore enjoyed,

Removing obstructions.

as well on said Mill-Creek, as on Charles River; and the said commissioners shall fix and establish such permanent boundaries in said Charles River, as will secure the proportion of water which they may determine shall run that way.

Boundaries.

SECT. 3. *Be it further enacted*, That after the said commissioners shall have determined and fixed the permanent boundaries in said Charles River, any person or persons who shall remove, or cause to be removed, or alter the said permanent boundaries, or shall be aiding and abetting therein, except by the orders of said Commissioners, shall forfeit and pay to the said corporation, a sum not exceeding five hundred dollars, to be recovered by said corporation in an action of debt brought before any court within this Commonwealth competent to try the same.

Commissioners appointed.

SECT. 4. *Provided always, And be it further enacted*, That whenever application shall be made to the Supreme Judicial Court, for the appointment, of Commissioners, in virtue of the second section of this act, in such case, it shall be the duty of said court, to appoint the same persons who have been appointed commissioners on the application of the proprietors of Charles River Meadows, if any such commissioners shall at the time of such application be in office.

[This act passed March 4, 1809.]

CHAP. CI.

An act to incorporate a Congregational Parish in the town of Alfred.

Persons incorporated.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer Hall, Abiel Hall, John Holmes, Joseph Emerson, Samuel White, Aaron Littlefield, Joshua Emery, James Garey, Ebenezer Garey, Pomtret Howard, Jotham Allen, Jonathan Trafton, Joseph Garey, John Garey, Daniel Lewis, Morgan Lewis, Thomas Lord, Daniel Holmes, Thomas Brooks, John Griffin, Abel Sawyer, Andrew Conant, Tobias Lord, Joseph Parsons, Jonathan Farnham, Chase P. W. Griffin, James Emery, John Kilham, Daniel Kilham, Samuel Wormwood, Nathan Kindall, Ambrose Redley, John Conant, Bartholomew Jones,

Jones, Amos Wormwood, John Shackford, Daniel Wormwood, Joel Allen, jun. Ebenezer Sayward, Joshua Conant, Joseph Linscott, Matthew Whitten, Benjamin Trafton, Isaac C. Day, Porter Lambert, Jacob Wakefield, and James Cluff, together with all other inhabitants of the said town of Alfred, being of the denomination of christians called Congregationalists, (and such others as shall desire to unite with them,) be, and are hereby incorporated into a religious society by the name of The Congregational Parish in Alfred, with all the powers, privileges, and immunities, to which parishes in this Commonwealth are by law entitled.

SECT. 2. *Be it further enacted,* That any person being an inhabitant of said town of Alfred who may at any time hereafter desire to become a member of said parish, and unite in religious worship with said parish, and who shall at any time declare such intention in writing by him or her signed and delivered to the clerk of such parish, and shall leave with the clerk of the society to which he or she belongs a certificate signed by the minister or clerk of the said Congregational Society that he or she has actually become a member of and united in religious worship with said society, fourteen days before the annual meeting in March or April annually; such person shall from the time of leaving such certificate, be considered with his or her polls and estate, a member of said parish, on his or her paying all monies legally assessed on him or her, by any other religious society.

How to join
the society.

SECT. 3. *Be it further enacted,* That when any member of said parish, shall see cause to leave the same, and to unite with any other religious society in said town, and shall give notice of such intention to the minister or clerk of said parish, and shall also give in his or her name to the minister or clerk of such other society, fifteen days at least before the annual parish or society meeting, such person shall from the date of such certificate, with his or her polls and estates, be considered a member of such other society: *Provided,* such person shall be held to pay his or her proportion of all parochial expenses incurred previous to leaving such parish.

How to leave
the society.

Proviso.

SECT. 4. *Be it further enacted,* That all gifts and grants heretofore made to the Congregationalists, under the name of the parish in Alfred, or Congregational Society in Alfred, shall be as valid and effectual as if made subsequent to the passing of this act.

SECT.

Justice to issue
his warrant.

SECT. 5. *Be it further enacted,* That any Justice of the Peace in the County of York, be, and he is hereby authorized and empowered to issue his warrant directed to some suitable member of said parish, to meet at such time and place as shall be appointed in said warrant to choose such officers and transact such other business as parishes are by law entitled to choose and transact in the month of March or April annually.

[This act passed *March 4, 1809.*]

CHAP. CII.

An act to incorporate a Baptist Religious Society in the town of Alfred.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Benjamin Stevens, Josiah Nason, Josiah Nason, jun. Daniel Knight, David York, John Haseltine, John Trafton, John Knight, John Plumer, John White, Henry Day, Jacob Linscott, Jacob Linscott, jun. Robert Linscott, John Linscott, Theodore Goodwin, Ebenezer Goodwin, John Friend, Benjamin Whitten, Thomas Keeler, Joseph Roberts, Edmund Roberts, Daniel Giles, John Giles, William C. Marshall, William C. Marshall, jun. James Roberts, Joshua Knight, Samuel Whitten, Joshua Goodridge, Nathan Goodridge, Abel Whitten, Eastman Hutchings, Archibald Smith, Paul Webber, Thomas Giles, Joseph Avery, John Sawyard, Samuel Roberts, Philip Yeaton, David Davis, William Leavit, Jotham Jewett, James Bean, David Bennet, Moses Roberts, Levi Hutchings, Nathaniel F. York, Almon Rounds, Joseph Knight, Ebenezer Roberts, Richard Haley, Daniel Davis, Sylvanus Roberts, Stephen Giles, William Linscott, Richard Haley, jun. Joshua Linscott, Jedediah Jellison, and Thomas Jellison, with their families and estates, together with such other inhabitants of said town of Alfred, being of the Baptist denomination, as have or may hereafter at any time associate themselves for that purpose, in the manner hereinafter described, be, and hereby are incorporated into a religious society by the name of The First Baptist Society in Alfred, with all the powers, privileges and immunities to which other parishes in this Commonwealth are by law entitled.

SECT.

SECT. 2. *Be it further enacted,* That any person or persons in the town aforesaid, being of the Baptist denomination, who may hereafter actually become a member of, and unite in religious worship with the society aforesaid, by giving in his or her name to the clerk of said town, fifteen days before the annual meeting in March or April annually, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the society aforesaid, shall from and after giving in such certificate with his or her polls and estates, be considered a part of said society: *Provided however,* that every such person shall always be holden to pay his or her proportion of all sums of money which were granted by the society to which such person belonged previous to his leaving his certificate aforesaid.

How to join
the society.

SECT. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same, and to unite with any religious society of a different denomination from said society, and shall give notice of such his intention to the minister or clerk of said society, and shall also give in his or her name to the minister or clerk of such other parish or society, fifteen days at least before the annual meeting of such parish or society, such person shall, from the time of leaving such certificate, with his or her polls and estates, be considered a member of such other society: *Provided,* such person shall be held to pay his or her proportion of all parochial expenses incurred previous to leaving such society.

How to leave
the society.

Proviso.

SECT. 4. *Be it further enacted,* That any Justice of the Peace in the county of York, be, and he is hereby authorized and empowered, to issue his warrant, directed to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose such officers, and transact such business, as parishes are by law, entitled to choose and transact, in the month of March or April annually.

Justice to issue
his warrant.

[This act passed *March 4,* 1809.



Index to the Laws passed from the 14 of June 1806 to the 14 of March 1809, may be found at the end of the Bill session of 1809.

INDEX

TO THE LAWS, PASSED BETWEEN THE 19th JUNE, 1806,
AND THE 4th MARCH, 1809.

A

| | | |
|-------------------------------------------------------------------------------------|----|-----|
| ACADEMY, Day's, additional acts | 24 | 38 |
| Pittsfield, incorporated | | 56 |
| Farmington, do. | | 60 |
| Canaan, established | | 62 |
| Hebron, additional act | | 171 |
| Newburyport, established | | 189 |
| Phillips, in Andover, additional act | | 192 |
| Belfast, established | | 270 |
| Bridgetown, do. | | 334 |
| Female, in Bath, incorporated | | 355 |
| Warren, incorporated | | 257 |
| Phillips, Limerick, established | | 418 |
| Franklin, in Andover, additional act | | 422 |
| Academical Association, Wiscasset, incorporated | | 362 |
| Attachment on mesne process, time extended for holding goods, &c. | | 140 |
| Attorney-General, Solicitor-General, and County-Attornies, their offices and duties | | 186 |
| Alfred District, privileges of a town granted | | 256 |
| Actions, real, limitation of | | 290 |
| In which Boston is a party, may be brought in Norfolk | | 414 |
| Civil, powers of Justices of the Peace, described | | 353 |
| Athenæum, Boston, incorporated | | 52 |
| Aqueduct, Cambridge Port Corporation, additional act | | 125 |
| Andover, North Parish, enabled to sell parsonage lands | | 341 |
| Association, Massachusetts, for useful inventions, incorporated | | 441 |

B

| | | |
|-----------------------------|--|----|
| Boston Pier, additional act | | 18 |
| Bank, Union do. | | 46 |
| Boston, do. | | 46 |

R r r

INDEX.

| | |
|------------------------------------------------------------------------------------------------------|----------|
| Bank, Maine, authorized to make new impression of bills | 414 |
| Portland, additional act | 425 |
| Banks, to adopt Stereotype Steel Plate | 502 |
| Blandford School District, Trustees incorporated | 348 |
| Battery Pasture, in Kittery, ceded to U. States | 359 |
| Boston, Collection of Taxes regulated, and appointment of Constables provided for, additional act | 369 |
| Buckstown, School Lands, sale of authorized | 187 |
| Bartlett, Jonas, and Jonas, jun. set off to Northboro' | 196 |
| Boom, at Machias River | 249 |
| Saco River, additional act | 430 |
| Blandford and Russell, line established | 423 |
| Blandford and Chester, do. | 424 |
| Boxford, School Fund, Trustees incorporated | 436 |
| Boylston Market Association, do. | 433 |
| Bangor Meeting House Corporation | 468 |
| Burnside, Samuel, name changed | 417 |
| Bridge, Hallowell, additional act | 75 |
| Kenduskeag stream, Bangor | 227 110 |
| Canal, Charles River, (report of commiss. 262) | 259 112 |
| Hatfield Lottery | 395 87 3 |
| Connecticut, additional act | 409 |
| Mill-Creek, Dorchester | 410 179 |
| Presumpscut, proprietors incorporated | 130 |
| Saco River, Brewster and others, incorporated | 144 |
| Spruce-Creek, proprietors do. | 167 |
| Belle Isle, Joseph Russell, authorized to build | 172 |
| Kennebeck, between Winslow and Waterville, | 214 |
| Androscoggin River, at Lewistown, incorporated | 240 |
| Cambridge and Brighton, do. | 287 |
| Toll, at Fryburgh, authorized to be built | 318 |
| In Northfield, persons incorporated to build | 350 |
| Sebasticook, do. | 376 |
| Essex, Merrimack, toll altered | 424 |
| Saco River, Hill and others, incorporated to build | 474 |

C

| | |
|-----------------------------------------------|-----|
| Courts, Sessions, Essex, to grant Licenses | 5 |
| Supreme Judicial Salaries | 6 |
| Oxford, times for holding | 17 |
| York, do. add. act | 41 |
| Bristol, do. | 55 |
| Probate, Cumberland, do. | 97 |
| Washington, Com. Pleas and Sessions, add. act | 139 |

INDEX.

| | |
|-----------------------------------------------------------------|-----|
| Courts, Sessions of the Peace, additional act | 177 |
| Dukes County, times for holding | 184 |
| Gen. Session of the Peace, times and places for holding | 190 |
| Probate, Norfolk, to be holden at one other place, | 342 |
| Probate, Hampshire, places for holding | 281 |
| Common Pleas, Oxford, times and place for holding | 237 |
| Gen. Sessions, act to explain laws respecting | 253 |
| Sessions and Pleas, Barnstable, one term altered | 306 |
| Municipal, Boston, terms altered | 415 |
| Washington, doings made valid | 423 |
| Common Pleas, authorized to allow accounts | 447 |
| Chesterville and Farmington, line between, rectified and estab. | 34 |
| Coroners, powers and duties, additional act | 36 |
| Cambridge Port, Aqueduct, additional act | 125 |
| do. Parish, incorporated | 286 |
| Cotton Mills, exempted from taxation, | 127 |
| Clark and Nightingale, partition of estate, effect to, given | 146 |
| Cambridge Meeting House, easterly parish, additional act | 173 |
| Columbia School Lands, sale of authorized | 307 |
| Castle Island, ceded to U. States, additional act | 360 |
| Cotton Manufactory, Norfolk, incorporated | 378 |
| Causeway, Quincy to Squantum, R. Pierce and others to make | 448 |
| Cornville, mile and half strip, annexed to | 200 |
| Corporations, Manufacturing, general powers defined | 464 |
| Canal, Middlesex, additional act | 393 |
| Cobbossee-Contee, incorporation | 203 |
| Moose-Brook, do. | 84 |

D

| | |
|-----------------------------------------------------------------|-----|
| Dam, Quincy, Town River | 11 |
| Aponneganset River | 37 |
| Deerfield, to loan interest, additional act | 47 |
| School District, authorized to erect two additional Schools, | 51 |
| Deer-Hunting, regulated | 57 |
| Danvers, North Parish, lands exempted from taxation | 130 |

E

| | |
|-----------------------------------------------------------------|---------|
| Elections, additional act | 53 |
| Exemptions, from military duty | 139 |
| Exchange Coffee-House, proprietors incorporated, | 295 201 |
| Ellsworth, part of Surry and Trenton, annexed thereto | 475 |
| Executors, &c. Judges of Probate, may remove | 501 |
| Engine-Men, Towns empowered to excuse from serving as Jurors | 418 |

INDEX.

F

| | |
|----------------------------------------------|-----|
| Folger, Charles, doings made valid | 19 |
| Fishery, Orrington | 39 |
| Kennebeck River | 95 |
| Salem and Danvers | 162 |
| Bristol | 193 |
| Damariscotta River | 212 |
| Chelmsford | 63 |
| Ipswich, Hamilton and Wenham, regulated | 451 |
| Rochester, regulated | 463 |
| Parker River, additional act | 491 |
| Middleboro' and Rochester, do. | 481 |
| Concord River, do. | 496 |
| Fish, Alewives and Herrings, Boxes regulated | 246 |

G

| | |
|----------------------------------------------|-----|
| Guardians, powers and duties of, enlarged | 138 |
| Gun-Powder, Manufacture of, &c. | 444 |
| Storage and safe-keeping in Boston, add. act | 373 |

H

| | |
|-----------------------------------------------------------|-----|
| Houses Licensed, regulation of, additional act | 361 |
| Hops, inspection of | 20 |
| Hopkins, Edward, Hon. charity perpetuated, additional act | 333 |
| House Island, ceded to U. States, | 360 |
| Habeas Corpus, additional act | 483 |
| Hartford, Thompsonstown, annexed to | 184 |

I

| | |
|-----------------------------------------------------|-----|
| Jay, School Lands, sale of, authorized, | 69 |
| Annexed to the county of Oxford | 323 |
| India Wharf, proprietors incorporated | 295 |
| Justices of Peace, powers described, additional act | 358 |
| Jurors, regulating the selection of | 382 |
| Engine-Men, exempted from serving as Jurors | 418 |
| Judges of Probate, to remove Executors, &c. | 501 |
| Incorporation of Towns. | |
| Brighton | 82 |
| Brownfield | 112 |
| Denmark | 78 |
| Dixmont | 136 |
| Friendship | 96 |

INDEX.

Incorporation of Towns.

| | |
|---------------------------------------------------|---------|
| Freeman | 300 |
| Hiram | 109 |
| Jefferson | 79 |
| Jonesborough | 484 |
| Leyden | 425 |
| Montville | 64 |
| Malta | 478 |
| New-Portland | 342 |
| Porter | 76 |
| Plainfield | 171 |
| Palmyra | 199 |
| Pownal | 298 |
| Solon | 427 |
| Tyngsborough | 432 |
| West-Cambridge | 128 |
| West Boylston | 238 |
| Insurance Company, in Bath, incorporated | 100 |
| Union Marine and Fire, Newburyport, incorporat. | 119 |
| Middlesex, incorporated | 147 |
| Social, do. | 486 273 |
| Kennebeck, Marine, do. | 277 |
| Marine, Boston, additional act | 394 |
| Maine, Fire and Marine, doings rendered valid | 421 |
| United Marine and Fire, in Portland, incorporated | 42 |

K

| | |
|----------------------------------------------------|-----|
| Killeran, Benjamin, set off from Warren to Cushing | 200 |
|----------------------------------------------------|-----|

L

| | |
|-----------------------------------------------------------|----------|
| Lincoln and Chase, to use Rocky Pond Waters | 77 |
| Lottery, Hatfield Bridge, | 395 87 3 |
| Amoskeag, additional act | 281 |
| Lands, intervale, in West-Springfield, additional act | 5 |
| Owners, on Accushnut River, to build Wharves | 14 |
| For ceding to the U. States, Cape Cod and Franklin Island | 24 |
| do. additional act | 99 |
| School, in Buckstown, sale of, authorized | 187 |
| do. in Jay, do. | 69 |
| Ministry, in Livermore, sale of, authorized | 268 |
| School, in Columbia, do. | 307 |
| Parsonage, in Fryburgh, do. | 320 |
| do. in Andover, North Parish, do. | 341 |
| Set off from Charlton and annexed to Oxford | 432 |

INDEX.

| | |
|------------------------------------------------|---------|
| Libraries, Social, additional act | 83 |
| Logs, Masts and Spars, secured to owners | 301 156 |
| Lynn Long Wharf, proprietors incorporated | 224 |
| Lisbon, Little River plantation, annexed to | 300 |
| Licensed Houses, regulation of, additional act | 361 |

M

| | |
|-------------------------------------------------------------------------------------------|-----|
| Merrimack River, and other Rivers and Streams, to prevent obstructions in, additional act | 35 |
| Marsh, Green's Harbour, corporation, to drain | 48 |
| Massapaug Ponds, for preservation of fish in | 77 |
| Moose Island, School Districts, additional sums to be raised for the support of | 151 |
| Methuen, an act to divide into two parishes | 154 |
| Mile and an half Slip, annexed to Cornville | 200 |
| Marshpee Indians, for the better regulation of | 340 |
| Mill Dam, Phillipsburg, Saco River | 352 |
| Do. Dartmouth, additional act | 431 |
| Mills, Charles River, do. | 398 |
| Massachusetts Association, for useful inventions, incorporated | 441 |
| Meadows and Beaches, Harwich, acts repealed | 463 |
| Monmouth and Leeds, line established. | 467 |
| Meadows, Wigwam Pond in Dedham, proprietors incor. | 216 |
| Manufacturing Corporations, general powers defined | 464 |
| Manufactory, Woollen and Cotton, Pittsfield, incorporated | 485 |
| Do. Adams do. | 486 |
| Do. Hoosack do. | 488 |
| Do. Medway do. | 489 |
| Do. Lenox do. | 489 |
| Do. Brunswick do. | 490 |
| Cotton, Fitchburg do. | 209 |
| Do. Norfolk do. | 378 |
| Cotton and Salt, Cambridge-P't. do. | 499 |
| Mills and Mill-Creek, Neponset River, additional act | 504 |
| Meadow Lands, Charles River do. | 487 |

N

150

| | | |
|-----------------------------------------------|-------------------------------|-----|
| Names Altered | 500, 417, 415, 357, 185, 105, | 16 |
| Nails, Manufacture of, amendatory act | | 18 |
| Newbury, Salt Marsh, proprietors incorporated | | 134 |
| Newburyport, Bathing House, do. | | 141 |
| Newbury, New Meeting House, Fourth Parish | 477, | 303 |

INDEX.

O

| | |
|-----------------------------------------------------|-----|
| Oxford, South Gore, annexed to | 37 |
| County, to incorporate, additional act | 133 |
| Shire Town, fixed, &c. | 237 |
| Lands in Charlton, annexed to, | 432 |
| Oysters, destruction of, to prevent, additional act | 422 |

P

| | |
|------------------------------------------------------------------------|-----|
| Partridgefield, name changed to Peru | 6 |
| Prison Point Dam, proprietors of, incorporated | 7 |
| Penobscot River, Ferry established | 107 |
| Perry, Peter and others, annexed to West Stockbridge | 246 |
| Parishes, Precincts, and their officers, additional act, regulating | 266 |
| Parish, in Cambridge Port, incorporated | 286 |
| Pond Street corporation, additional act | 393 |
| Peirce Rufus and others, to make a causeway, incorporated | 443 |
| Prisons, regulating of, additional act | 493 |

Q

| | |
|---------------------------------------|----|
| Quaddy Head, lands ceded to U. States | 93 |
|---------------------------------------|----|

R

| | |
|-----------------------------------|-----|
| Rocky Pond Waters, use of granted | 77 |
| Rockwood Josiah, annexed to Upton | 336 |

S

| | |
|----------------------------------------------------|-----|
| Society, Baptist in Sanford, incorporated | 12 |
| do. Arundell, do. | 27 |
| do. Windsor, do. | 50 |
| Religious in Hingham, do. | 58 |
| do. Bethlehem and Loudon, do. | 65 |
| Massachusetts, to promote christian knowledge, do. | 71 |
| Religious, in Edgecomb, incorporated | 74 |
| do. Ballstown, do. | 80 |
| Baptist, Buxton, Bracey Banks and others, set unto | 81 |
| Religious, in Attleborough, incorporated | 87 |
| Baptist, Vassalborough, do. | 91 |
| Marine, in Marblehead, to erect Land Marks | 104 |
| Religious, north parish in Hingham, incorporated | 125 |
| Methodist, Cape Elizabeth do. | 143 |

INDEX.

| | |
|---------------------------------------------------------|-----|
| Society, Episcopalian, in Pittston, additional act | 158 |
| Baptist, in Wells, incorporated | 160 |
| Religious, in Dorchester, 2d parish, incorporated | 180 |
| Episcopal, in Lenox, additional act | 197 |
| Congregational, in Hebron, do. | 217 |
| Baptist, in Royalton, incorporated | 220 |
| Religious, in Tisbury, do. | 221 |
| Congregational, in Newfield, do. | 223 |
| Do. in Malden, do. | 230 |
| Massachusetts Missionary, do. | 244 |
| Union Calvinistick, in Abington, do. | 251 |
| Religious, in Marlboro', 2d parish, do. | 255 |
| Do. in Bedford Precinct, do. | 267 |
| First Methodist in Poland, do. | 282 |
| Second in Fitchburg, certain persons set to | 301 |
| First Baptist, in Limington, additional act | 302 |
| First do. in Newburyport, incorporated | 309 |
| Second Religious, in Charlton, additional act | 323 |
| Third do. in Augusta, incorporated | 324 |
| Antipædobaptist, in New-Gloucester, do. | 326 |
| First Baptist, in Barnardston, do. | 329 |
| Third Congregationalist, in Portland, do. | 330 |
| Methodist, in Pittsfield, Hancock, Dalton, &c. add. act | 370 |
| First Universalist, Falmouth, incorporated | 371 |
| Massachusetts Baptist Missionary do. | 264 |
| Baptist, in Egremont do. | 395 |
| Calvinistick Baptist, in Freeport do. | 400 |
| First Congregational, in Becket do. | 402 |
| Methodist, Gray and Windham do. | 413 |
| Congregational Parish, in Limington do. | 327 |
| Marine, Boston, additional act | 426 |
| Baptist, Boothbay incorporated | 428 |
| Irish Charitable do. | 429 |
| Baptist, Barnstable and Yarmouth do. | 433 |
| Religious, 2d Parish in Shapleigh do. | 443 |
| First Baptist, in Parsonsfield do. | 449 |
| Charitable, in Beverly do. | 452 |
| Second Baptist, in Berwick do. | 454 |
| Congregational, in Norway do. | 455 |
| First Methodist, in Harwich do. | 456 |
| Methodist, Religious in Boston do. | 471 |
| Maine Missionary do. | 479 |
| First Congregational, in Windham do. | 482 |
| First Baptist, in Standish, additional act | 484 |
| Eastern, for promoting knowledge, &c. incorporated | 494 |

INDEX.

| | |
|---------------------------------------------------------------|---------|
| Society, Hollis Street Meeting-House, Boston, incorporated | 497 |
| Congregational Parish, in Alfred | do. 506 |
| Baptist, do. | do. 508 |
| Sumner, Clement, set to third Parish, in Roxbury | 25 |
| Saco, New Meeting-House, incorporation confirmed | 283 |
| State debt, payment of part, provided for | 368 |
| Sluce-Way, in Topsham, Ezra Smith and others, to make | 234 |
| Salter's Beech, in Duxbury, to secure from damage, | 292 |
| Salem, Union-Street corporation, established | 403 |
| Spofford Samuel, set off, from Rowley to Boxford | 406 |
| Somerset county, constituted | 459 |
| Salt work company, Massachusetts, incorporated | 476 |
| Proprietors of, in North-Yarmouth, do. | 92 |
| Sheriffs, general powers and duties of, defined, &c. add. act | 435 |
| Saco River Boom | do. 430 |

T

| | |
|--------------------------------------------------------------------------------------------------|---------|
| Turnpike, Middlesex, additional act | 10 |
| Stoughton, established | 14 |
| Taunton and South Boston do. | 15 |
| Twelfth, Massachusetts, additional act | 25 |
| Lancaster, established | 67 |
| Fifteenth, Massachusetts, further time allowed | 68 |
| Fourteenth, do. to erect a gate | 91 |
| Tenth, do. do. | 93 |
| Essex, and the Andover and Medford, to unite gates | 110 |
| Fourteenth Massachusetts, doings of the Court of Sessions, respecting the location of, confirmed | 124 |
| New-Bedford and Bridgewater, further time allowed | 128 |
| Stockbridge, established | 137 |
| Sheffield and Great-Barrington, established | 139 |
| Belchertown and Greenwich, additional acts | 344 173 |
| Petersham and Monson, do. | 243 174 |
| Blue Hill, do. | 174 |
| Bethlehem and Tyringham, established | 175 |
| Westford and Lexington do. | 176 |
| Mashapog do. | 178 |
| Sturbridge and Western do. | 195 |
| Sheffield and Tyringham, further time allowed | 200 |
| Alford and West-Stockbridge, established | 218 |
| Dalton and Middlefield do. | 219 |
| Nashua, | 394 243 |
| Taunton and New-Bedford, act to continue | 294 |

INDEX.

| | | |
|----------------------------------------------------------|-----|-----|
| Turnpike, Sixteenth Massachusetts, additional acts | 306 | 306 |
| And Bridge, Hingham and Quincy, established | | 313 |
| Road, from Medford to Charlestown, additional act | | 320 |
| Corporations, powers and duties; defined, do. | | 343 |
| Dartmouth and New-Bedford, established | | 345 |
| Middleborough and New-Bedford do. | | 346 |
| Road, from Newburyport to Chelsea Bridge, additional act | | 347 |
| Fourteenth, Massachusetts, further time allowed | | 364 |
| Providence and Northampton, established | | 364 |
| Brookfield and Charlton, do. | | 366 |
| Douglas, Sutton, and Oxford do. | | 397 |
| And Bridges, Middleborough and Braintree; additional act | | 406 |
| Worcester, additional acts | 473 | 407 |
| Union, do. | | 422 |
| Housatonick, Road confirmed | 441 | 317 |
| Hudson, established | | 317 |
| Hartford and Dedham, additional act | | 447 |
| Essex, do. | | 467 |
| Groton and Pepperell, established | | 470 |
| Truro Pond Harbour, corporation do. | | 29 |
| Thomsontown, annexed to Hartford | | 184 |
| Topsham, Sluice-Way, persons incorporated to make | | 234 |
| Tuckerman, Harris, name changed | | 417 |
| Taxes in Boston, collection of, regulated | | 369 |

U

| | |
|---------------------------------------------------------------|-----|
| United States, Land at Cape Cod and Franklin Island, ceded to | 24 |
| Quaddy Head, do. | 98 |
| Jurisdiction of certain lands ceded, additional act | 99 |
| Battery Pasture, in Kittery, ceded to | 359 |
| House Island, near Portland Harbour, do. | 360 |
| Castle Island, cession, additional act | 360 |
| Union Wharf Corporation, in Salem, established | 337 |

V

| | |
|---------------------------------------|----|
| Vinal John, Sentence remitted in part | 20 |
|---------------------------------------|----|

W

| | |
|----------------------------------------------------------|----|
| Wood, John, to build a Mill-Dam across Aponeganset River | 37 |
| Wood and Timber, preservation of, Wenham and Hamilton | 89 |

INDEX.

| | |
|------------------------------------------------------------------------------------|-----|
| Wyman Pond Meadows, proprietors of, incorporated | 216 |
| Washington County, divided into two Districts, for registering deeds | 367 |
| Woodbury, Thomas, jun. and others, annexed to 3d Congregational Society in Beverly | 407 |

Y

| | |
|-----------------------------------------------------------|----|
| Yarmouth, North, Salt Works, proprietors of, incorporated | 93 |
|-----------------------------------------------------------|----|

