



PRIVATE AND SPECIAL
STATUTES

OF THE

COMMONWEALTH OF MASSACHUSETTS.

FROM FEBRUARY 1806 TO FEBRUARY 1814.

REVISED AND PUBLISHED, BY

AUTHORITY OF THE LEGISLATURE,

IN CONFORMITY WITH A RESOLUTION, PASSED

22^d FEBRUARY 1822.

.....
VOL. IV.
.....



BOSTON :

PUBLISHED BY WELLS AND LILLY.

.....
1823.

State Library of Massachusetts
State House, Boston

Notice.

THE publication of this and a succeeding volume, being the fourth and fifth of the series of Special Laws, completes the execution of the powers given to the subscribers, under the resolve of 22d February 1822. They terminate with the acts of that session, it being the same period to which the General Laws were brought down, and the completion of a volume, in the order of publication now in use. The acts since passed, compose part of a new volume, and at present, are easily obtained and consulted. The same general plan has been pursued in the arrangement of these volumes, as in that of the General Laws, where it was applicable. All acts repealed, and those which have expired by any limitation, express or constructive, have been omitted, except some few, under which titles to real estate have been acquired. All acts merely local, relating to Maine, have also been omitted.

In preparing the index, it has been thought most advisable to insert in each volume, an index to the matter of that volume only, with the view of preserving a uniform method, should the series hereafter be continued. The references to the special laws are comparatively so few and easily traced, that it can hardly be thought necessary to repeat in each volume, the index to all the preceding volumes.

The acts contained in these volumes, have been carefully compared with those printed by order of the Legislature, as then examined and certified by the Secretary, without being

again compared generally with the original rolls. But in all cases, where any ambiguity, defect or other error was apparent or suspected, reference was had to the original rolls; and in a few instances, errors have thus been discovered and corrected. Every facility has been afforded by the Secretary in these examinations.

The commissioners respectfully submit these volumes to the Legislature, with the assurance that in these and the General Laws, they have endeavoured faithfully and to the best of their ability, to execute the plan prescribed by the resolve, under which they have acted, and with an earnest hope, that they will be found to satisfy the reasonable expectations of the Legislature and the public.

A. STEARNS.
LEMUEL SHAW.

NOVEMBER, 1823.

PRIVATE AND SPECIAL

Statutes

OF

MASSACHUSETTS.

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. *Chap. 27.*
1799 ch. 10.
(V. 2. p. 307.)

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. [*Feb. 3, 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." *Chap. 29.*
1787 ch. 58.
(V. 1. p. 191.)
1793 ch. 88.
(V. 1. p. 451.)
1796 ch. 66.
(V. 2. p. 128.)
1804 ch. 90.
(V. 3. p. 524.)

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 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 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 *The improvement of Dodge's mill, for a certain time, to be under direction of certain selectmen.*

of the major part of the selectmen aforesaid, and delivered to the said Dodge from time to time as shall be found necessary.

Penalties for disobeying the directions.

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.

Part of former act repealed.

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. [*Feb. 11, 1806.*] Further add. acts—1810 ch. 117: 1812 ch. 127: 1814 ch. 22.

Chap. 30.

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

Chap. 31.

An ACT to establish a corporation by the name of the Norton 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 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

Persons incorporated; and course of the road.

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.

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. [Feb. 11. 1806.] Four gates allowed when the road is approved.

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.

Chap. 32.

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 north-west 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 mills 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. [Feb. 15. 1806.] Alteration in the valuation.

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

Chap. 33.

SECT. 1. *BE it enacted by the Senate and House of Representen-*

tatives, 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 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.

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 expense of the said committee shall be paid by the said corporation. [*Feb. 15, 1806.*] Add. acts—1809 ch. 22. 111 : 1819 ch. 113.

Chap. 34.
1799 ch. 6.
(V. 2, p. 302.)

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

Names of persons incorporated.

Course of the road.

Committee authorized.

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. [Feb. 15, 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.

Chap. 40.
1796 ch. 10.
(V. 2 p. 33.)

WHEREAS, when the second precinct in Boylston, Sterling and Holden, was incorporated, the lands now owned by Elijah Goodenough, David Hathan, Levi Peirce, Francis Keys, 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 Keys, 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.

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:

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. [Feb. 22, 1806.]

Names of other persons set off.

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

Chap. 41.

SECT. 1. *BE 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

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

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 said bridge, and an arch of fifty feet in width under said bridge, the under side of the 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. [*Feb. 24, 1806.*]

Toll established, &c.

Chap. 43.

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. *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 be lawful for the inhabitants 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.

The right of fishing may be sold.

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.

Agents to make the sale, and to be accountable.

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. [*Feb. 25, 1806.*]

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

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

Chap. 46.

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 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. [*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."

Chap. 47.
1798 ch. 46.

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 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 di-

Number and value of shares and amount of capital.

rectors shall not be allowed to insure any sum, by which they 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. [March 3, 1806.] Former acts, see Appendix.

Existing policies not to be affected.

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

Chap. 49.

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:

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.

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, 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;

Preamble.

General powers.

Manner of building the bridge prescribed.

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: 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.

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

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

The bridge to be transferred to the town of Salem.

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. [March 3, 1806.] Add. act—1814 ch. 98.

Time for building limited.

Chap. 50.

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. *BE 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 Bolkcom, 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.

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

Names of persons incorporated, and general powers.

Persons considered included in the corporation.

Corporation to possess the meeting-house, &c.

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 and church therein, according to the intentions and directions of the doner.

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 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. [*March 3, 1806.*] See 1819 ch. 154. First meeting, how to be called.

An Act for allowing further time to the proprietors of The Fourteenth Massachusetts Turnpike Corporation for completing the same. Chap. 54. 1801 ch. 77. (V. 2. p. 532.)

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. [*March 4, 1806.*]

An ACT to establish The Housetonick-River Turnpike Corporation.

Chap. 58.

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 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 Housetonick-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 New York, near Arnold's tavern, and near the northwest corner of West Stockbridge; from thence, in the most direct and convenient route, to the mills, near the house of John Newell, jun. in West Stockbridge; from thence in the best route to the junction of the county roads on *Stockbridge* plains, Names of persons incorporated, and general powers.

Course of the road.

so called; from thence, in the most direct and convenient course, to Lee Forge, and near the place where the turnpike from New Marlborough 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.

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 New York; 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 entitled to the usual 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. [March 7, 1806.] Add. acts—1807 ch. 93: 1808 ch. 49: 1810 ch. 67: 1816 ch. 34: 1820 ch. 5.

Chap. 59.
Oct. 21, 1777.

An Act in addition to an Act, entitled, "An Act to incorporate the southwesterly part of Washington, the northeasterly 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. 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 Le-

New line.

nox, 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.

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. [March 7, 1806.]

Proceedings confirmed.

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

Chap. 64.

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. [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.

Chap. 65.

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 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, 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.

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

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

Annual meeting to be held, and officers chosen.

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.

Clerk to be sworn—Committee empowered.

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.

Corporation to fulfil contracts, and empowered to raise monies.

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 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 ; and 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 expenses 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.

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

Corporation allowed to hold estate to a certain amount.

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 Dennie 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. [March 7, 1806.]

Persons authorized to call the first proprietors' meeting.

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

Chap. 67.

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

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.

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

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

First meeting.

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. [March 7, 1806.] Add. acts—1808 ch. 15. 71.

Chap. 70.

An ACT to incorporate the Trustees of the Charlestown Charity Fund.

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 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, and 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 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.

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

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.

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

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.

Members of the church only, to be trustees.

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. [March 7, 1806.]

First meeting.

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

Chap. 73.

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 Davenport, Royal Makepeace, Jonathan C. Hastings, Daniel Mason, John Coates and Josiah Mason,

Names of persons incorporated; corpo-

rate name ;
allowed to
hold land, &c.

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.

Any highway
may be dug up.

SECT. 3. *Be it further enacted,* That the said proprietors be, 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.

Persons to be
punished who
wilfully injure
the aqueduct.

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.

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. [*March 8, 1806.*] Add. act—1806 ch. 91. 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.

Chap. 74.

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 :

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 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.

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

SECT. 2. *Be it further enacted*, That the real estate, belonging to the said parish, appropriated for the support of the

Trustees invested with the estate, with power to sell.

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 to the northerly half of the home lot and meadow opposite the same, until the said first parish shall authorize the said trustees to sell and convey the same.

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

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.

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

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.

The fund to remain unalienable.

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.

SECT. 6. *Be it 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 be responsible.

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 to keep a fair record, and make a statement annually.

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.

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

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. [March 3, 1806.]

The trustees to keep the money at interest.

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

Chap. 75.

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 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, and 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,

Amount of real and personal estate allowed to be held.

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.

Objects to which the income is devoted.

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.

Corporation to continue ten years.

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.

Persons authorized to call the first meeting.

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. [March 8, 1806.] Continued—1813 ch. 186.

Chap. 76.

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.

Owners of dams to make and keep open passage-ways for the 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 all 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, and 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 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. [March 8, 1806.] Add. acts—1808 ch. 91: 1812 ch. 106.

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

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.

Chap. 77.
13 Geo. II.—
1792 ch. 14.
(V. 1. p. 388.)

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 third section of the act to which this is in addition, 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 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.

Third section of former law 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

New appropriation of the fines.

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. [March 7, 1806.]

Chap. 78.

An ACT to incorporate the proprietors of the Meeting-house in Williamstown.

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 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 and 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 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 licenced house or shop, at the south part of said Williamstown, and also by publishing the same in the nearest 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

Corporate name, and general powers.

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

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

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. [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. *Chap. 79.*

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 Flint, 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 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. [March 8, 1806.]

1793 ch. 25.
(V. 1 p. 475.)

An ACT to incorporate the proprietors of The First Universalist Society in Boston. *Chap. 81.*

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 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: 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.

Proprietors of the meeting-house incorporated.

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

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

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.

J. Hunewell,
Esq. authoris-
ed to issue a
warrant for
first meeting.

SECT. 3. *Be it further enacted*, That Jonathan Hunewell, 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. [*March 8, 1806.*]

Chap. 89.

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 :

Corporate
name, and ge-
neral 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 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.

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

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 north-easterly 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.

Number of
shares to be
agreed upon,
and assess-
ments to be
made,

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 from

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

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.

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

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.

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

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. [March 11, 1806.] Add. act—1808 ch. 1.

Corporation to pay for all damages occasioned by taking land.

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.

Chap. 91.

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 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 re-

Committee to open a passageway to Accord Pond, and direct the

places where
the fish may
be taken.

move 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.

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. [March 12, 1806.]

Chap. 92.
1803 ch. 114.
(V. 3 p. 375.)
1804 ch. 3.
(V. 3 p. 442.)

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. *BE 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, 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, and 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. [March 12, 1806.]

Fence may be removed in certain case.

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.

Chap. 94.

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 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, Thuril 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 Austria, John Wilson, James Ingalls, Isaac 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.

Names of persons incorporated.

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. 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

Corporation allowed to hold estate.

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.

How a member's property is to be calculated.

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.

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

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 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 officers 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 de-

liver, in the name and behalf of said corportion, deeds of the pews and seats in said meeting-house. [March 12, 1806.]

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

Chap. 96.

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 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.

1804 ch. 125.

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 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. [March 13, 1806.] Add. acts—1810 ch. 30: 1811 ch. 68.*

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

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.

Chap. 102.

WHEREAS upon the dissolution of the American revolu-

Preamble.

tionary 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, and fulfil the charitable designs of said institution, have petitioned to be 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 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 subjects 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.

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

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.

Existing officers empowered.

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. [March 13, 1806.]

Chap. 103.
1803 ch. 48.
(V. 3. p. 252.)

An ACT in addition to an Act, entitled, "An Act to establish a corporation, by the name of The Essex Turnpike Corporation."

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,

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.

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. [March 13, 1806.] Further acts—1806 ch. 85: 1808 ch. 67.—(1820 ch. 77. repealed by 1821 ch. 70.)

An Act to establish a corporation, by the name of The Lancaster and Bolton Turnpike Corporation. Chap. 104.

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 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 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.

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. [March 13, 1806.]

An Act to establish Day's Academy.

Chap. 105.

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:

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.

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 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.

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 by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the breach thereof.

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.

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. [March 13, 1806.]
Add. acts—1806 ch. 20. 32.

Trustees allowed to receive, hold or dispose of estate.

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

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

Any Justice in Norfolk may call the first meeting.

AN ACT in amendment of the Act establishing The Norfolk and Bristol Turnpike Corporation, and of the two Acts in addition thereto.

Chap. 106.

180 ch. 69.

(V. 3. p. 522.)

1802 ch. 59.

(V. 3. p. 58.)

1803 ch. 143.

(V. 3. p. 402.)

1804 ch. 106.

(V. 3. p. 534.)

Two toll-gates

allowed be-

tween Dedham

court-house

and B. Mann's

in Walpole;

and two be-

tween Israel

Hatch's in At-

tleborough and

the end of the

road.

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 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 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 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 never-*

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

theless, 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 in addition, shall be subjected thereto, by virtue of this act.

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.

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.

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. [March 14, 1806.] Further act—1820 ch. 29.

Chap. 108. 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."

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 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

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

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

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

1803 ch. 157. (V. 3. p. 440.)

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

time to time, to make and publish such scheme or schemes, as shall in their opinion best promote the purposes of said 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. [March 14, 1806.] Further add. acts—1807 ch. 70: 1813 ch. 176.

Act limited.

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

Chap. 109.

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 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, 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

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

1804 ch. 125.

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. [March 14, 1806.] Add. act—1810 ch. 33.

Chap. 110.

An ACT to establish the Second Brush-Hill Turnpike Corporation.

Course and dimensions of the road, and directions as to the laying out and making 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 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 the 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.

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

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.

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, 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.

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

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.

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

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

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.

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.

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, 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.

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. [March 14, 1806.] Continued—1811 ch. 156.

AN ACT to alter the Names of certain persons therein 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 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 Meses, of said Boston, shall be allowed to take the name of Andrew Camp-

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

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

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

Chap. 117.

bell Jones; Benjamin Homer, of said Boston, shall be allowed to take the name of Benjamin Parrot Homer; William 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 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. [March 14, 1806.]

An ACT to establish an Academy at Concord, in the county of Middlesex.

Chap. 118.

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 Merrick, Esq. Deacon John White, Mr. Jonas Lee, Lieut. Charles Hammond, and Thomas Heald, Esqr. of 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:

First trustees appointed, and fund limited.

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. [*March 14, 1806.*]

Chap. 1.

An Act authorizing a Lottery, for the purpose of completing Hatfield Bridge.

Sum to be raised,

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.

Managers to give bonds.

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 on the duties of their said office, shall be under oath faithfully to perform the same.

—to be under oath.

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.

Prizes to be paid in thirty days after the drawing is completed.

Proprietors to give bonds for the faithful application of the nett proceeds.

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.

Managers' duty.

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.

Price of fractional parts of tickets not to be advanced.

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.

Repealed, post ch. 68.

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. [June 19, 1806.] Add. acts—1806 ch. 68: 1808 ch. 5.

Chap. 4.

An ACT to incorporate Samuel H. Flagg and others, by the name of the Proprietors of Prison Point Dam Corporation.

Proprietors 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 Samuel H. Flagg, and all others, who have, or shall hereafter become interested with him, in the enterprize 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 may build a dam.

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 an action against said corporation, to recover a compensation for any damages which he, she or they may sustain by means of said dam.

Proviso,

Dam to be railed and lighted.

Proprietors to make a dam and 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;

Repealed by 1813 ch. 200.

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

foresaid, 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.

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 dam 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.

To build and keep in repair a lock for the use of the proprietors of Middlesex Canal.

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

Proprietors of Middlesex Canal may erect a wharf on each side the dam.

Proviso.

Proprietors may hold lands necessary for their accommodation.

Corporation liable for damages.

Proviso.

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.

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 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. [June, 21, 1806.] Further act—1813 ch. 200.

Chap. 5.
1805 ch. 12.
(V. 3. p. 611.)

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."

Preamble.

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 route from said

point in Bedford, to Buiscket Bridge in Tyngsbury, so far as to enable them to make said road from said point in Bedford, to said Buiscket 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 Buiscket Bridge in Tyngsbury.

SECT. 2. *Be it further enacted,* That the aforesaid corporation shall pay for all labour 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 in addition. [June 23, 1806.] Further acts—1809 ch. 129 : 1810 ch. 120 : 1811 ch. 28 : 1819 ch. 62.

Proprietors to pay damages.

An ACT to authorize Ebenezer Thayer, of Quincy, and others, to build a Dam across Quincy town river, so called.

Chap. 6.

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. [June 23, 1806.]

Gates to be opened, if required.

An ACT to establish The Taunton and South Boston Turnpike Corporation.

Chap. 7.

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 Taunton and

Proprietors incorporated.

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.

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.

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. [June 24, 1806.] Add. act—1817 ch. 30.

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, 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 Williains, 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 Ed-

Toll gates.

Proviso.

Corporation
may hold es-
tate.

Chap. 8.

mund 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. [June 24, 1806.]

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. *Chap. 11.*
July 14, 1772.

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 north and south lines of State-Street, or of the said Boston Pier. *Proprietors may hold land.*
Proviso.

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. [June 24, 1806.] *Their power.*

An ACT to render valid the doings of Charles Folger, Deputy Sheriff within and for the county of Nantucket. *Chap. 12.*

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: *Preambles.*

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. [June 24, 1806.]

Chap. 13. 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, in the year of our Lord, one thousand eight hundred.

Preamble. 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:

Sentence remitted. *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 honour, 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. [June 24, 1806.]

Chap. 15. 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.

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 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, 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. [June 19, 1806.]

Chap. 16. 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. [June 19, 1806.]

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.

Chap. 18.

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. [June 23, 1806.]

Power of General Court.

AN ACT to establish a corporation by the name of the Stoughton Turnpike Corporation.

Chap. 19.

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

Persons incorporated.

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

Toll gates.

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.

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. [June 23, 1806.] Further time allowed—1811 ch. 11.

Chap. 20.
1805 ch. 105.

An Act in addition to an Act entitled, "An Act to establish Day's Academy," passed March 13, 1807.

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. [June 24, 1806.]

Trustees.

Chap. 22.

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. [June 24, 1806.]

Chap. 23.
1801 ch. 22.

An Act in addition to an Act, entitled, "An Act to establish The Twelfth Massachusetts Turnpike Corporation."

(V. 2. p. 456.)

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:

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 if any person, from and after the passing of this act, shall pull down and destroy, or wantonly 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

Persons injuring the road, &c.

Penalty.

such offence; to be recovered in an action of trespass, by the treasurer of said corporation, for the use thereof.

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.

Owners of land not to make another road.

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 establish 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.

Jus. C. Pleas, to fix the place for the 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 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; 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. [June 24, 1806.]

Rates of toll.

An ACT to incorporate sundry persons by the name of The Truro Pond Harbor Corporation. Chap. 24.

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

Persons incor-
porated.

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 by-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 by-laws be not repugnant to the constitution and law of this Commonwealth: And said corporation shall always be subject to the rules and regulations herein prescribed.

Their powers.

Proviso.

May take pro-
perty, making
compensation.

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.

Duties obliga-
tory.

SECT. 3. *Be it further enacted*, That it shall be at all times the duty of said corporation to keep the said Pond 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:

Rates of toll.

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 chocolate, 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 hogshead 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 hogshead 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.

Corporation
subjected to
penalties in
cases.

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.

Manner of
holding stock.

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 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. [June 24, 1806.]

Chap. 28.

1789 ch. 51.
(V. 1. p. 272.)
1792 ch. 78.
(V. 1. p. 442.)
1793 ch. 62.
(V. 1. p. 519.)

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.

1802 ch. 51.
(V. 3. p. 43.)
1803 ch. 158.
(V. 3. p. 441.)
1804 ch. 134.
(V. 3. p. 577.)

Obligations re-
quired of own-
ers and occu-
pants 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 con-
ditions— not
liable to pros-
ecution.

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. [Feb. 3, 1807.]

An Act to authorize John Wood to build a Mill Dam, with a passage way, across Aponeganset River, in the town of Dartmouth.

Chap. 30.

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 au-
thorize^d 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. [Feb. 6, 1807.] Add act—1808 ch. 42.

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.

Chap. 31.

BE it enacted by the Senate and House of Representatives,

Persons and
estates annex-
ed to the town
of Oxford.

Boundary.

in General Court assembled, and by the authority of the same, That Lemuel Cudworth, Craft Davis, Ezekiel Davis, 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. [Feb. 6, 1807.]

Chap. 32.

1805 ch. 105.
1806 ch. 20.
32.

Trustees au-
thorized.

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.

—Empowered
to hold prop-
erty bequeath-
ed to the Acade-
my.

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 provisions as may be expressed in any deed or instrument or bequest or conveyance, made to them: *Provided,* the amount do not exceed the sum specified in a former act. [Feb. 6, 1807.]

Proviso.

Chap. 33.

1802 ch. 68.
(V. 3. p. 83.)

Inhabitants
empowered to
loan money.

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 ex-

ceeding 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. [Feb. 11, 1807.]

Proviso.

An ACT, to establish a Corporation for the purpose of draining Green's Harbour Marsh, in the town of Marshfield. Chap. 39.

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 Winslow, 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.

Persons incorporated.

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; so 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

Justices empowered to issue warrants.

Election of officers.

vote or order of said Corporation into full effect, as town officers of like description have by 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. [Feb. 11, 1807.]

Proviso.

Corporation empowered to hold real estate.

Chap. 40.

An ACT to incorporate a Baptist Society in Windsor, 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 Bussey, 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, Ben-

Persons incorporated.

jamin 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, he, and they are hereby incorporated into a Society, for Religious purposes only, by the name of the Baptist Society in Windsor, 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 Windsor, 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 Windsor, 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.

Members to obtain a certificate.

Proviso.

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 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. [Feb. 11, 1807.]

Choice of officers.

An ACT authorizing the town street School District, in the town of Deerfield, to erect two or more School Houses within said District.

Chap. 41.

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 man-

ner, 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. [Feb. 11, 1807.]

1799 ch. 66.

Chap. 44.

AN ACT to incorporate the proprietors of the Female Academy, in the town of Pittsfield.

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 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.

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, 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 trea-

Assessments.

Delinquent's
shares to be
sold.

surer shall pay the surplus, if any there be, to such delinquent proprietor.

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. [Feb. 13, 1807.]

Choice of officers.

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.

Chap. 46.

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—

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 Joseph Thaxter, Benjamin Cushing, Benjamin Lincoln, Thomas Gill, Joseph Blake, Levi Lincoln, Ebed Hearsey, Samuel Norton, Noah Hearsey, Joseph Hammond, 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 Hearsey, jun. Edward Thaxter, Jarad Lane, Rachel Loring, Christiana Loring, Sarah Lane, Susanna Thaxter, Chrissy Cushing, Susanna 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 Basset, 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 Souther, jun. Martin Lincoln, Benjamin Jones, Samuel Hobert, Ensign Barnes, Joseph Hammond, jun. Canterbury Barnes, John Beal, Mary Cushing, Ezekiel Lincoln, Elijah Whiton, 3d, Nathan Rice, Spiller Fillmore, Laban Folger, Beza Lincoln, Jonathan Lincoln, Asa 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 Congrega-

Persons incorporated.

tional Society in Hingham, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are by law entitled.

Time of becoming members.

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.

Measures necessary to become 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 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.

Justice to issue his warrant.

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. [*Feb.* 13, 1807.]

Chap. 51.

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.

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 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, Seth 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 Dwolf, Joshua Eames, Ozias Hawley, Phineas Jones, Paul Larcom, John Manning, 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.

Requisite to become a member.

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.

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, 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 or religious so-

Justice to issue his warrant.

cieties are by law empowered to choose at their annual parish meetings. [*Feb. 3, 1807.*]*

Chap. 52. 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.

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 at 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 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.

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;

* Loudon and Bethlehem united and incorporated into a town by the name of Loudon,—1809 ch. 28. Name altered to Otis,—1810 ch. 1.

Persons incorporated.

1804 ch. 125.

Corporation to erect gate and toll-house.

—To remove it when required.

Proviso.

Committee to locate the road.

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 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. [Feb. 18, 1807.]

An ACT for allowing a further time to the Proprietors of the Fifteenth Massachusetts Turnpike, for completing the same.

Chap. 53.
1802 ch. 61.
(V. 3. p. 64.)

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 to complete said turnpike road; any thing in the original act of incorporation to the contrary notwithstanding. [Feb. 18, 1807.] Furtheract —1811. ch. 106.

An ACT to incorporate sundry persons into a Society, by the name of The Massachusetts Society for Promoting Christian Knowledge.

Chap. 55.

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 Farrar, 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, 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, LL.D. and John Phillips, jun. Esq. of*

Persons incorporated.

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 Promoting 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 devise, 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 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.

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

Their powers.

Qualifications of teachers.

Officers to be chosen by ballot.

Proviso.

Society authorized.

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.

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. Esquires, 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. [Feb. 20, 1807.]

An ACT to authorize Ephraim Lincoln and Thomas L. Chase to make use of the waters of Rocky Pond.

Chap. 59.

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. [Feb. 20, 1807.]

Damages recovered.

Chap. 60. An ACT for the preservation of the Fish in Massapaug Ponds, (so called) in the county of Middlesex.

Fish not to be taken at night.

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.

Penalty.

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 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. [Feb. 20, 1807.]

Chap. 65. 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 incorporated.

Boundaries.

Proviso.

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.

Proportion of property to be held by Brighton.

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, except-

ing 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.

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, engagement, judgment of Court, or any matter or thing, now or heretofore entered into or existing.

To pay their proportion of debts, &c.

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. [Feb. 24, 1807.]

To pay proportion of taxes.

An ACT to repeal the fifth section of an Act, entitled, "An Act authorizing a Lottery for the purpose of completing Hatfield Bridge."

Chap. 68.
1806 ch. 1.

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. [Feb. 24, 1807.] Further act—1808 ch. 5.

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.

Chap. 69.

WHEREAS, a number of the inhabitants, belonging to the

Preamble.

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.

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 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.

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, *Pro-*

vided 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. 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. [Feb. 24, 1807.]

Justice to issue a warrant.

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.

Chap. 71.

1801 ch. 77.
(V. 2. p. 533.)
1802 ch. 38.
(V. 3. p. 31.)

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. [Feb. 24, 1807.]

Chap. 78.
1810 ch. 16.

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. 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. [Feb. 25, 1807.]

Proviso.

1804 ch. 125.

Chap. 81.

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.

Land Marks.

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.*

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 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.*

Penalty for pilfering.

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. [Feb. 25, 1807.]

An ACT to alter the Names of certain persons therein mentioned.

Chap. 82.

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 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 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 Strafford, 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 take the name of Hezekiah Fletcher Stone; That

Names altered.

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 Buffington Snupe, of Beverly, in the county of Essex, merchant, shall be allowed to take the name of John Buffington; 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; and the same shall be considered as their only proper names, to all intents and purposes. [Feb. 27, 1807.]

Chap. 35.

1803 ch. 48.
(V. 3, p. 252.)
1805 ch. 14.
(V. 3, p. 612.)

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. [Feb. 27, 1807.]

Chap. 38.

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.

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 John C. Jones, Loammi Baldwin, Aaron Dexter, Benjamin Weld, 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 northwestwardly end of Leverett-street, in Boston, to Lechmere's Point, in Cambridge, and Bar-

rell'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.

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 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.

Division of shares.

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 Lechmere'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.

Places from and to which the bridge is to be built.

SECT. 4. *And be it further enacted,* That the said bridge

Materials.

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

Proviso.

constructed of stone, timber and earth: *Provided always,* That there be made proper and sufficient passages for the water of

Draws.

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

Materials and manner of building the bridge.

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 the travelling path over the same shall not be less than twenty feet.

Rates of toll.

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.

Canal corporation to have authority to erect locks, &c.

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.

— to make a dam.

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 necessa-

ry and proper, for retaining the water for the boats of said canal to pass on.

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.

SECT. 10. *And be it further enacted.* That the proprietors of the said canal bridge and causeway, shall continue to be a corporation and body politic, for and during the term of seventy years, to be computed from the day of completing said bridge and causeway, and opening the same for passengers; and at the expiration of the said term of seventy years, said canal bridge and causeway shall revert to, and be the property of the Commonwealth, and shall be surrendered in good repair.

Term of continuance.

SECT. 11. *And be it further enacted,* That if the said corporation shall neglect or refuse to complete the said bridge and causeway, for the space of five years from the passing of this act, then this act shall be void, and of no effect.

Act void in case.

SECT. 12. *And be it further enacted,* That John C. Jones, Gorham Parsons, and Andrew Cragie, may call a meeting of said proprietors and their associates, hereby incorporated, for the purpose of deciding on the manner of subscribing and holding the shares in this corporation, agreeably to the provisions of the second section of this act, and for any other purposes; and the manner of calling said meeting, shall be by publishing, in any three of the Boston Newspapers, an advertisement of the time, place, and purposes of the meeting; the first publication whereof shall be twenty days before the time of meeting.

Meeting of proprietors for certain purposes.

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 purpose of making such part of said road, any lands through which the same 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 shall neglect to make and extend their road from Malden bridge, to the said canal bridge, for the space of five years, from and after the passing of this act, then this provision shall be void and of no effect.

Proprietors of Newburyport turnpike empowered.

Provisè:

Proprietors to pay a premium to vessels passing the draws. Repealed 1819 ch. 75.

Subject to a revision.

Annual sum to be paid the proprietors of West-Boston bridge.

Term of continuance of West-Boston bridge corporation.

Proviso.

Conditions of this act.

SECT. 14. *And be it further enacted*, That the proprietors of said bridge shall pay to the master of every vessel that shall be loaded in whole, or to the amount of one half of her burthen, and of more than twenty tons, register measure, that shall pass up through either of said draws, for the purpose of unloading her cargo, ten cents a ton, for 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.

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.

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 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.

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 Hosmer, 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.

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. [Feb. 27, 1807.] Add. acts—1807 ch. 61 : 1819 ch. 75.

Penalty in cases of neglect to open the draws.

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.

Chap. 89.

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

Shares limited.

Amount of capital stock.

business, of which capital stock or property, a sum not exceeding thirty thousand dollars, shall be invested in real estate.

Concerns of
the company to
be managed by
Directors.

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 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.

Manner of
electing Direc-
tors.

Choice of Pre-
sident.

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 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 em-
powered.

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,

Proviso.

rules and regulations, shall not be repugnant to the Constitution or Laws of this Commonwealth.

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. 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, 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 stock-

Dividends.

holders at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

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.

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.

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; 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

Stock to be funded.

Instalments to be paid.

Members' property liable to attachment.

Estates of directors liable.

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.

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. 17. *Be it further enacted*, That nothing in this act, shall prevent any future Legislature from altering, and amending it in any part. [*Feb. 27, 1807.*] Add. acts—1809 ch. 65: 1814 ch. 124.

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.

Chap. 90,
1802 ch. 61.
(V. 3. p. 64.)

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. [*Feb. 27, 1807.*]

Doings of court confirmed.

Proviso.

Chap. 91.
1805 ch. 73.

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."

Empowered to
purchase and
hold lands.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of 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. [Feb. 27, 1807.]

Chap. 92.

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 and during the term of five years, from and after the passing of this act, and no longer. [Feb. 27, 1807.]

Chap. 93.

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.

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 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 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.

Proviso.

Property of the
corporation di-
vided 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.

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.

Pews to be sold at auction.

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 charges, the overplus, if any, shall be paid to the said delinquent, by the treasurer, on demand.

Shares of delinquent proprietors to be sold.

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. [Feb. 27, 1807.]

Chap. 94.
1803 ch. 91.
(V. 3. p. 328.)

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. [Feb. 27, 1807.] Add. act—1808 ch. 12.

Chap. 95.

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 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.

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.

Second parish
in Cambridge
incorporated.

Boundaries.

Proviso.

Inhabitants to
hold a propor-
tion of pro-
perty 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 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. — to pay state and county taxes.

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. [Feb. 27, 1807.] Justice to issue a warrant.

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. Chap. 96.

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 Proctor, Timothy Felton, Moses Preston, Nathaniel Felton, Francis Proctor, James Proctor, 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." [Feb. 27, 1807.] 1793 ch. 25.
(V. 1. p. 475.)

Chap. 100. An ACT to incorporate the proprietors of Salt Marsh, on Cart-Creek, in Newbury, to make and maintain a Dike, for the better improving 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, 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.

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 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,

Persons incorporated.

Manner of calling meetings.

Power of the corporation.

Assessments.

Property of delinquents may 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 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 erecting 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. Proviso.

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. Owners held to make good any damage.
[Feb. 28, 1807.]

An ACT to establish the Stockbridge Turnpike.

Chap. 105.

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 Griswold, 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 Housatonuck 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. [Feb. 28, 1807.]

1805 ch. 125.

Chap. 106.

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 Covel, John Ford, Joseph Gibson, Ezekiel Griswold, Martin Hart, Andrew Hollenback, Isaac Leavenworth, David Leavenworth, Nathaniel Lewis, Charles Loveland, Miles Morgan, Grove Pomeroy, Samuel Riley, Samuel Rassetter, Stephen Libley, Isaac Seeley, John Seeley, 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. [Feb. 28, 1807.]

Persons incorporated.

1805 ch. 125.

Chap. 108.

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 Woart, 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 Newbury-

Persons incorporated.

port; 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. Common seal.

SECT. 2. *And be it further enacted*, That Edward St. Loe Livermore, Stephen Howard, and William Woart, 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 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. Choice of officers.

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. Authorized to hold real estate.

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 Shares may be attached.

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 debtor holds in said corporation, and the amount of the dividend, if any thereon due. [Feb. 28, 1807.]

Books may be examined.

Chap. 111. 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 sundry 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 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

Acts confirmed.

Estates assigned to the widow and child.

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. [Feb. 28, 1807.]

dren, to vest in them severally.

Proviso.

An ACT to incorporate Isaac Warren, and others, into a company, by the name of the Middlesex Insurance Company. Chap. 112.

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. 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. Capital limited.

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 Directors to be chosen.

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.

Proviso.

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, 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.

President to be chosen.

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.

Proviso.

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

Directors to meet.

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 and board of directors, and shall be binding on the company.

Manner of transacting policies.

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 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, 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.

Dividends to be made.

Statement of profits.

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.

Stock invested.

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

Instalments to be made.

money, 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 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.

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.

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.

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. [*Feb. 28, 1807.*]

Directors' estates liable.

Highest sum insured to be stated.

Directors to be examined.

Meetings to be advertised.

Chap. 114.

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,

Parish boundaries.

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 Morse, 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 Morse; 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 and intentions in writing, to the clerk of said town for that purpose.

Persons to remain in first parish.

Proviso.

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 liv-

Taxes to be paid in the parish where the inhabitant belongs.

ing 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.

Choice of officers.

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, 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. [Feb. 23, 1807.]

Chap. 117.

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.

Fish committees to be chosen.

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 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

To meet annually.

Advantages arising from choosing.

Disadvantages in case of neglect.

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, 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.

Dams to be opened.

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

Privilege of taking fish to be leased at auction.

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.

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.

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.

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.

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. [Feb. 28, 1807.] Further act—1814 ch. 129.

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. [June 15, 1807.]

Price of fish limited.

Penalty for taking fish without authority.

Prosecutions to be commenced before any justice in Salem or Danvers.

Sums recovered to be divided.

Repeal.

Chap. 2.
1784 ch. 70.
(V. 1. p. 96.)

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. *Chap. 4.*

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 passable for such vessels as may navigate there, whenever the General Court may think such alteration necessary or convenient for the public. [*June 19, 1807.*]

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.

Chap. 5.

1805 ch. 25.

(V. 3. p. 620.)

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. [*June 19, 1807.*] See act—1807 ch. 73.

—To dispose of pews.

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."

Chap. 6.

1802 ch. 52.

(V. 3. p. 43.)

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 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. [*June 19, 1807.*] Further add. act—1807 ch. 114.

1804 ch. 100.

(V. 3. p. 529.)

An ACT in addition to an Act, entitled, "An Act to establish The Petersham and Monson Turnpike Corporation," passed February 29, A.D. 1804.

Chap. 7.

1803 ch. 95.

(V. 3. p. 337.)

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. [June 19, 1807.] Further add. act—1807 ch. 51.

Chap. 8.

1803 ch. 130.
(V. 3. p. 393.)
1805 ch. 25.
(V. 3. p. 621.)

Half toll gates
to be erected.

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 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. [June 19, 1807.]

Proviso.

Chap. 9.

Persons incor-
porated.

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, Andonijah 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 dwell-

ing-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 Morse, 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 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. [June 19, 1807.]

Their powers
and privileges.

1804 ch. 125.

An Act to establish a corporation, by the name of The Westford and Lexington Turnpike Corporation. Chap. 10.

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 Hayward, 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.

Persons incorp-
porated.

1804 ch. 125.

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. [June 19, 1807.]

Corporation
empowered.

An Act to establish The Mashapog Turnpike Corporation.

Chap. 12.

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 Morse, Lewis Morse, 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, prescribed and contained in an

Proprietors in-
corporated.

1804 ch. 125. 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. [June 19, 1807.]

Chap. 13. An ACT to incorporate Joseph Newell, Ebenezer Niles, Abner Gardner and others, for the purpose of building a Bridge across Mill Creek.

Preamble. WHEREAS application hath been made to this court, for permission to build a bridge over Mill Creek (a branch of Naponset 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 :

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.

Draw. **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.

Corporation empowered. **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.

SECT. 4. *Be it further enacted,* That within three years from the passing of this Act, said bridge shall be built, made 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. [June 19, 1807.] Add. act—1808 ch. 17.

Chap. 14. 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 Pres'ou, Isaac Howe, jun. Joseph Clap, jun. Ebenezer Davenport, Atherton Tucker, John Hawes, Stephen Pierce, John Capen, jun. Nathaniel Swift. Joseph Tolman, Isaac Withington, Joseph Arnold, Robert P. Tolman, Edward

Religious society incorporated.

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 Shepherd, Benjamin Burrill, Henry K. Bailey, Ezra Badlam, John Bussey, Mary Davenport, Samuel Leeds, jun. Mary Ingersol, Samuel K. Spurr, Abigail Leeds, John Nightingale, Ezekiel Holden, Euclid Tileston, 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, Absolom Herring, Samuel Franklin, James Kilton, Nathaniel Newman, Reuben Blake, Griffin Child, William Fox, John Capen, 7th. Daniel Leeds, William Humphrey, Joshua Pierce, Thomas Bussey, Barnabas Lothrop, Daniel Wheelock, David Johnson, Eleazer Bispham, Phineas H. Mosley, Thomas Danforth, jun. Edward Capen, Edward Sharp, Jeduthan 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 Trescott, William Trescott, John Capen, Joshua Jones, Simeon Howe, Josiah Randall, Spencer Goding, Edward Simmons, Bethuel Allen, Sarah Henly, William Henly, Jonas Johnson, Ebenezer Capen, Lewis Leash, Isaac N. Field, James M'Intosh, 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 Toppliff, jun. Thomas Tileston, Sarah Soren, John Johnston, William Bridges, Abigail M. Daniels, Abigail Baker, Elizabeth Janes, Benjamin Hitchborn, 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.

Members at liberty to change parishes.

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 Dorchester, and Clerk of said second parish; and they shall be recorded by said Clerks accordingly.

Proviso.

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 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.

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. [June 19, 1807.] Add. act—1817 ch. 28.

Time of holding first meeting.

1786 ch. 10.

An ACT to alter the names of certain persons therein named.

Chap. 17.

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^cGregory 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

Names altered.

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 as aforesaid, and the same shall hereafter be considered as their only proper names, to all intents and purposes. [June 20, 1807.]

Chap. 20.

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 Morse, 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.

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 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

Persons incor-
porated.

Proviso.

Property di-
vided into
shares.

Delinquents.

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. [June 20, 1807.] See act—1819 ch. 15.

Appropriation.
1804. ch. 83.

First meeting
to be called

An ACT in addition to an Act, entitled "An act to incorporate the trustees of Phillips Academy, in Andover."

Chap. 22.
Oct. 4, 1780.

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 the pious founders and benefactors of said academy. And whereas it is reasonable that the prayer should be granted :

Preamble.

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. [June 20, 1807.] Further act—1813 ch. 125.

May hold
property.

An ACT to establish the Sturbridge and Western Turnpike Corporation.

Chap. 24.

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 First 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

Persons incor-
porated.

in Sturbridge, and from thence, so as to meet, and connect with the turnpike road in Western.

Committee appointed.

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, 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. [June 20, 1807.]

—Empowered.

—To make return.

Chap. 25.

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'.

Persons set off.

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 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 inhabi-

tants 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 herein before 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. [June 20, 1807.]

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.

Chap. 26.
1804 ch. 75.
(V. 3. p. 508.)

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 Lumley, 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, Moses Merwin, Calvin Pery, Daniel Polley, Joseph Presby, Calvin Sears, Asahel 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.

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

Conditions of
joining the so-
ciety.

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 to pay his or her proportion of all parish or society expenses 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. [June 20, 1807.]

Proviso.

Chap. 29.

1804 ch. 39.

(V. 3. p. 474.)

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. [June 20, 1807.]

Chap. 31.

An ACT to incorporate sundry persons into a company, by the name of the Proprietors of the Exchange Coffee-House.

Preamble.

WHEREAS, sundry 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:—

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 Dex-

Persons incorporated.

ter, 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. —legally authorized.

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. —may hold and dispose of the property.

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. Property to be divided into shares. Assessment. Proviso.

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. Shares may be alienated.

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 in- Private property liable to attachment. 1814 ch. 33.

corporated 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 re-
demption.

Execution le-
vied, in case.

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.

Manner of
calling a meet-
ing.

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.

Proviso.

No privilege
taken without
consent of
owners.

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. [June 20, 1807.] Add acts—1807 ch. 78 : 1809 ch. 66 : 1813 ch. 36.

Chap. 33.

An ACT, to incorporate Peter Snow and others, by the name of the Fitchburg Cotton Manufactory Corporation.

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 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.

SECT. 2. *And be it further enacted*, That the said corpo-

ration 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.

Proviso.

SECT. 4. *And be it further enacted,* That the persons above named, or any three of them, may by an advertisement 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 or 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.

Empowed to call a meeting.

To choose officers.

Proviso.

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.

Property to be divided into shares.

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,

Shares may be alienated.

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.

Delinquents.

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 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.

Writ of scire facias sued in case.

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.

Act given in evidence.

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. [June 20, 1807.]

Proviso.

Chap. 36.

An ACT to incorporate certain proprietors of meadow lands, called Wigwam Pond Meadows, in Dedham, in the County of Norfolk.

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.

Proprietors incorporated.

Boundaries.

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. [June 20, 1807.]

Justice to issue his warrant.

AN ACT to establish the Alford and West Stockbridge Turnpike Corporation.

Chap. 38.

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 Dresser, William Dryer, Amos Hamlen, Eli Hatch,

Persons incorporated.

Peter Johns, Stephen Johns, Nathan Johnson, Abner Kellogg, 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 Housatonuck turnpike, at or 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. [June 20, 1807.] See act—1817 ch. 116.

Boundaries.

1804 ch. 125.

Chap. 39.

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, Asa Brown, John Morse, 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.

1804 ch. 125.

SECT. 2. *Be it further enacted*, That when the said turn-^{Toll-Gates,}pike 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. [June 20, 1807.]

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.

Chap. 40.

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 Bliss, Silvanus Bliss, Nathan Bullock, Moulton Bullock, Jacob Briggs, John Chamberlain, Asahel 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 Lesure, 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, Elisha 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.

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 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.

Conditions of belonging to the society.

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

— of leaving the society.

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.

Justice to issue warrant.

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. [June 20, 1807.]

Chap. 41.
1804 ch. 26.
(V. 3. p. 463.)

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."

Conditions of belonging to the 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 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. [June 20, 1807.]

An ACT to incorporate Aaron Newhall and others, by the name of The Lynn Long Wharf Company. Chap. 43.

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:—

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 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.

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.

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.

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 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.

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.

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 trea-

Corporation further empowered.

— to choose officers.

— to call meetings.

Proviso.

Shares may be alienated.

Delinquents.

surer 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 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. [June 20, 1807.]

Subject to al-
teration.

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.

Chap. 45.

WHEREAS, sundry 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 inconveniences have arisen in the present mode of executing these generous and pious designs:

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 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.

Persons incor-
porated.

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, subscrip-

— Empowered.

tions, 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.

Authorized to choose officers, call meetings, &c.

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.

Duty of the clerk

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, shall have 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.

Treasurer's duty.

SECT. 5. *And be it further enacted,* That the treasurer of said trustees, who shall be a member thereof, and shall be 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.

Trustees to improve funds, &c.

— Liable in case of.

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 such bond or note to be put in suit, and prosecuted until it shall be obtained.

— Limited in loaning money.

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

Trustees elected annually.

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.

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, 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. [June 20, 1807.]

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;

General care and concern of the trustees.

Compensated for services.

B. Green, Esq. to appoint first meeting.

Chap. 48.

Boundaries.

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.

Certificates requisite.

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 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.

See 1810 ch. 7.

Description of poor to be supported 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

Town property — poor, and taxes regulated.

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.

SECT. 5. *Be it further enacted*, That the said town of West Boylston shall receive and support four tenths of 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.

School fund.

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. [Jan. 30, 1808.] Add. act—1810 ch. 7.

Chap. 50.

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. [Feb. 8, 1808.] Add. act.—1808 ch. 4.

1804 ch. 125.

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.

Chap. 51.

1803 ch. 95.

(V. 3. p. 337.)

1807 ch. 7.

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. [Feb. 9, 1808.]

An ACT to incorporate a Society by the name of the Massachusetts Missionary Society. Chap. 52.

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.

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 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.

Allowed to hold property.

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

Officers to be chosen.

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.

Proviso.

Authorized to make by-laws.

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.

Meetings to be published.

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.

Preamble.

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:

Accounts to be exhibited annually.

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.

Privilege of the Legislature.

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. [Feb. 9, 1808.] Add act—1822 ch. 35.

Chap. 53.

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, Asa Smith, Thomas Whelpley, Samuel Whelpley, Job Priest, John Deming, Obadiah Knap, Jedediah Minkler, Hendrick Brasee, Amasa 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. [Feb. 9, 1803.]

Persons annexed.

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.

Chap. 56.

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, Lebbeus 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, Asa 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 Bonney, 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, Asa Whitmarsh, David Brown, the second, Ebenezer Shaw, Benjamin Hobart, Asaph T. Peterson, and Joseph Dyer, petitioners and inhabitants of the town of Abington and the east parish of Bridgewater, with their fa-

Persons incorporated.

milies, 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 south part of Abington, with all the powers and privileges to which parishes are entitled by the constitution and laws of this Commonwealth.

To join the society.

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.

Proviso.

To leave the society.

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.

Qualifications necessary.

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.

Proviso.

SECT. 5. *And be it further enacted*, That Aaron Hobart, jun. Esq. or any other justice of peace, in the county 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

Justice to issue a warrant.

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. [*Feb.* 18, 1808.]

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. *Chap. 58.*

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 the r petition should be granted: *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 George Williams, Samuel Gibbon, Aaron Brigham, Ephraim Barber, Sias 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, Gershom 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. Windsor Ward, Jotham Brigham, Joel Rice, Zaccheus Gleason, Samuel Hunt, Archelaus How, Gershom 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, Windsor How, Caleb Witherbee, Benjamin How, Artemas How, William 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. *Persons incorporated.*

SECT. 2. *Be it further enacted,* That any of the inhabitants

Inhabitants
may join either
parish.

Proviso.

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 Russell, 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. [*Feb. 23, 1808.*]

Chap. 61.
1806 ch. 88.

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.

Preamble.

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,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority 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 Burrell'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:

Commissioners
to be appointed
to hear and de-
termine.

into the Secretary's office, shall be final and conclusive, and determine the place of the westerly end of said Canal Bridge.

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 Newburyport 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 north-westerly 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 authorized on conditions, 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—

Canal and towing path.—

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.

Damages to be repaired.

Powers and privileges to be held in case—

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 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.

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. [*Feb. 26, 1808.*] Further act—1819 ch. 75.

Time and place of meeting made known.

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 Se-

cretary'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, 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 Repertory; 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 Newburyport 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 ~~W B~~, in the direction of the line; 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 hereunto subscribed our respec-

tive names, at Boston, in the county of Suffolk, this twenty-eighth day of March, in the year of 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. 62.

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 Rev. 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 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 knowledge, in such manner as the said corporation shall

Persons incorporated.

See 1821 ch. 71.

Empowered to hold real estate.

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. 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 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. Authorized to establish by-laws, &c.
Proviso.

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: Preamble.

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. Treasurer to exhibit accounts.

SECT. 6. *Be it further enacted*, That Thomas Baldwin, Doctor of Divinity, he, 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. [*Feb. 28, 1808.*] Altered by 1821 ch. 71. Dr. Baldwin to appoint first meeting.

Chap. 64.

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.

Inhabitants 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 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.

Property to remain in the first precinct.

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 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. [Feb. 29, 1808.]

Chap. 67.

An ACT establishing a corporation, by name of The Social Insurance Company.

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 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.

Amount of capital stock.

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.

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 stock-holders, 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 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 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.

Concerns of the company to be managed by directors.

Manner of electing directors.

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 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.

President to be chosen.

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 the said business, and with such salaries and allowances to them, and to the president, as to

Directors empowered.

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.

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 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.

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.

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, or of other officers which the proprietors shall for such purposes appoint.

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

Repealed.
1813 ch. 167.

Dividends.

Estate of
stock holders
to be held ac-
countable in
case—

Stock to be
funded.

Instalments to
be paid.

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. *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. Persons eligible to become a director.

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. Estates of directors liable.

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. Repealed.
1813 ch. 167.

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. Subject to Legislative examination.

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. [*March 1, 1808.*] Add. acts—1808 ch. 84: 1813 ch. 167. Meeting to be called.

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. Chap. 70.
1803 ch. 157.
(V. 3. p. 440.)

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 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. Managers to exhibit their accounts.
1805 ch. 108.

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 Attorney or Solicitor Gen. directed in case.

him. [March 1, 1808.] Further acts—1813 ch. 176: 1814, ch. 167.

Chap. 73.
1805 ch. 25.

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.

Parishioners to
elect.

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 en-
titled 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.

Property may
be conveyed.

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

Proviso.

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.

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. [*March 1, 1808.*]

Justice to issue warrant.

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.

Chap. 74.

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 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.

Proprietors incorporated.

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 Mid-

Bridge to be built of good materials.

Damages in case of delay.

dlex, 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 draw, for the convenience of the navigation of said river, and for the recovery of the double damages provided for in this act.

SECT. 3. *And be it further enacted*, That the said proprietors shall make the road, from the Brookline 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 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.

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,

Road to be made.

Bridge to be kept in good repair.

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. [March 2, 1808.] Add. act—1809 ch. 41.

Void in case of neglect.

An ACT to preserve and secure from damage Salter's Beach, so called, and the Meadows thereto adjoining, in the Town of Duxbury.

Chap. 76.

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. 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

Cattle may be impounded.

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 of the said town of Duxbury, for the use of said town.

May be sold at auction.

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. [March 3, 1808.]

Jury to estimate damages.

An ACT further to continue in force, An Act, entitled, "An Act to establish the Taunton and New-Bedford Turnpike Corporation." *Chap. 77.*

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 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. [March 3, 1808.]

1803 ch. 104.
(V. 3. p. 360.)

An Act, in addition to an Act, entitled, "An Act to incorporate sundry persons into a company, by the name of the Proprietors of the Exchange Coffee-House." *Chap. 78.*

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.

1807 ch. 31.

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. [March 3, 1803.]

Estate liable in
case of defi-
ciency.

An ACT to incorporate the Proprietors of India Wharf, in the Town of Boston. *Chap. 79.*

WHEREAS sundry 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 bounded on all other sides by the capsill 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:

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 Uriah Cotting and Francis Cabot Lowell,

Proprietors in-
corporated.

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.

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.

Powers of the corporation.

Property divided 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 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.

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.

Manner of calling meeting.

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. [March 3, 1808.]

Assessment.

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. *Chap. 83.*

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 propor-

Persons annexed.

tion of taxes assessed upon him, and due to the said First Parish, prior to the date of this Act. [March 4, 1808.]

Chap. 86.

An ACT to incorporate the Proprietors of a New Meeting House, in the Fourth Parish in Newbury, in the county of Essex.

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 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.

Empowered to
raise money.

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 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.

Sale of pews
in case of de-
ficiency.

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.

Committee to take a valuation of the pews.

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 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

— to collect parish taxes.

collecting and paying over the same, according to their warrants, which town collectors are holden to observe.

Justice to issue a warrant.

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. [March 4, 1808.] Add. act—1808 ch. 75.

Chap. 87.
1802 ch. 67.
(V. 3. p. 78.)

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. [March 4, 1808.] Further acts—1807 ch. 88: 1810 ch. 76.

Chap. 88.
1802 ch. 67.
(V. 3. p. 78.)
1807 ch. 87.

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. [March 4, 1808.] Further act—1810 ch. 76.

Chap. 91.

An ACT to incorporate the proprietors of the Meeting House of The First Baptist Society in Newburyport.

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 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.

Time of meeting.

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 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.

Choice of officers.

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.

Manner of calling meetings.

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.

Committee empowered.

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

Shares liable to be sold in case of delinquency.

hereinafter mentioned; and such purchaser or purchasers of any such share or shares, shall on receiving 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.

Assessors empowered.

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 person thinking his assessment too high, may represent the same to the assessors, who are hereby authorised 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.

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.

Oath.

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. [March 4, 1803.]

Manner of calling meeting.

An ACT to establish the Hingham and Quincy Bridge and Turnpike Corporation.

Chap. 92.

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 Goold'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

Persons incorporated.

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.

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 committee 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.

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 traveller 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, curricle, 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 pas-

Empowered to build bridges.

Drawers.

Bridges to be lighted.

Toll granted and established.

Rates of

senger 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 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 Hunewell, 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.

1804 ch. 125.

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 to build and complete the said bridges and turnpike, then this act shall be null and void.

Act void in case.

Premium allowed to vessels passing 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 increased 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. [March 5, 1808.] Add. act—1811 ch. 164.

Chap. 93.
1805 ch. 53.

An Act authorizing the committee heretofore appointed for that purpose, to make alterations in the laying the road of the Housatonic Turnpike Corporation.

Preamble.

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 :

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 com-

mittee thereon; and the said committee hereby is authorized and empowered to revise and reconsider the laying of the road of the Housatonick 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. [March 8, 1808.] Further acts—1808 ch. 49: 1810 ch. 67: 1816 ch. 34: 1820 ch. 5.

Committee empowered.

Proviso.

An ACT to establish a corporation by the name of the Hudson Turnpike Corporation.

Chap. 94.

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 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.

Persons incorporated.

1804 ch. 125.

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. [March 8, 1808.] See 1816 ch. 34.

Half-toll gate to be erected.

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."

Chap. 96.
1802 ch. 100.
(V. 3. p. 135.)

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. [March 3, 1803.]

Chap. 99.
1800 ch. 53.
(V. 2. p. 423.)

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 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. [March 3, 1803.]

Chap. 103.

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 Nickerson. 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 Nickerson, 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

Persons incorporated.

and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

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.

Proviso.

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 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.

Members leaving, to give notice.

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.

Assessments paid in case of secession.

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. [March 8, 1808.]

Justice to issue warrant.

An ACT to set off Josiah Rockwood from the town of Hopkinton, and to annex him to the town of Upton.

Chap. 107.

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 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.

Proviso.

Assessments.

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. [March 8, 1808.]

Chap. 108.

An ACT establishing a corporation by the name of the Proprietors of Union Wharf.

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 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 Beckford, 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

* The word "twenty" is undoubtedly omitted by mistake; but it is the mistake of the original. ED.

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.

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.

Capable to hold and possess property.

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*

Number of shares and forms of certificates.

Proviso.

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.

—liable to attachment.

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.

Manner of calling meeting.

SECT. 5. *Be it further enacted*, That Edward Allen, Ebenezer Putnam, and Jonathan Mason, 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.

Choice of officers.

Proviso.

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. [March 3, 1808.]

Chap. 110.

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.

Preamble.

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:

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 empowered.

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 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.

Fund established.

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. [March 9, 1808.]

Committee empowered to give deeds.

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 Belchertown and Greenwich Turnpike Corporation."

Chap. 114.

1802 ch. 52.

(V. 3. p. 43.)

1804 ch. 100.

(V. 3. p. 529.)

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,

1807 ch. 6.

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.

Records declared valid.

Proviso.

And whereas doubts are entertained by reason of the premises, whether the proprietors of said corporation can now hold a legal meeting: wherefore,

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

Meeting duly authorized.

require, provided the same be not repugnant to the laws and constitution of this Commonwealth. [March 9, 1808.]

Chap. 115.

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 Killey, 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. Asa 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.

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 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, sulkey 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.

Persons incor-
porated.

1804 ch. 125.

Toll granted.

Rates of

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. [March 9, 1808.]

Corporation not to injure property.

Proviso.

An ACT to establish the Middleborough and New-Bedford Turnpike Corporation.

Chap. 116.

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 Freetown, and eastward of the long pond, to or near the head 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.

Persons incorporated.

1804 ch. 125.

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. [March 9, 1808.]

Corporation not to injure property.

Proviso.

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.

Chap. 117.

1802 ch. 120.
(V. 3. p. 173.)

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

Corporation
may establish
another gate.

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.

Proviso.

— may divide
their gates.

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: *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. [March 9, 1808.] Further act—1811 ch. 50.

Proviso.

Chap. 118.

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 of 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 ap-
pointed.

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 Collister, 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 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 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.

Invested with further powers.

Proviso.

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. [March 9, 1808.]

Empowered to call meeting.

Chap. 119. 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 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 Elisha Alexander, John Barrett, Joseph Belding, Job M. Dickenson, Benoni Dickenson, Adrastus Doolittle, Timothy B. Dutton, Josiah Fisher, Abner Harris, Stephen Harris, Samuel Holton, Ora Holten, Edward Haughton, Arad Hunt, Jonathan Hunt, Elisha Hunt, Joel Jennings, Thomas Mason, 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, 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.

Toll granted,

Rates of

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 sulkey, 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.

Time limited.

Dimensions and materials of the bridge.

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.

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 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.

Empowered to appoint meeting.

Treasurer, &c. to be chosen.

Proviso.

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. [March 9, 1808.] Add. act—1812 ch. 12.

Act void in case.

An ACT to alter the Names of certain persons therein named.

Chap. 122.

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 Elisa 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,

Names altered.

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, 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. [March 11, 1808.]

Chap. 129.

1801 ch. 77.

(V. 2. p. 532.

1802 ch. 38.

(Vol. 3. p. 31.)

1806 ch. 71. 96.

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. [March 12, 1808.]

Chap. 130.

An ACT to establish the Providence and Northampton 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 William Eaton, Ozem Blackfield, Samuel Gurthrie, Stephen Pynchon, Alfred Lyon, Philemon Warren, Abner Mor-

gan, Benjamin Sherman, Thomas Sherman, Aaron Morgan, William Norcross, Ichabod Bliss, Jesse Hitchcock, Elias Carter, John Moor, Nathaniel Parker, Araunah Charles, Amos Hamilton, Abel Knowlton, Elihu Dwight, Daniel Stebbens, Isachar Brown, jun. Bartholomew Brown, Thomas Bliss, 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.

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 for all which services of the said committee shall be paid by the said corporation.

Committee to locate the road.

Damages sustained.

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. [March 12, 1803.]

General powers and duties.

1804 ch. 125.

An ACT to establish the Brookfield and Charlton Turnpike Corporation.

Chap. 131.

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. [March 12, 1808.] Add. act—1812 ch. 113.

1804 ch. 125.

Chap. 134.
1802 ch. 7.
(V. 3. p. 5.)

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 collector, 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.

Treasurer authorized in case of delinquents.

Proviso.

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

Duty of civil officers.

Proviso.

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. [March 12, 1803.] See act—1821 ch. 110.

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.”

Chap. 135.
1803 ch. 96.

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 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 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.

Measures to be taken in joining the society.

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. [March 12, 1803.]

Measures to be taken in leaving the society.

Chap. 139.

An Act incorporating the Proprietors of the Norfolk Cotton Manufactory.

Preamble.

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 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 expense 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,*

Proprietors 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 aforesaid 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.

Proviso.

Entitled to privileges and subject to penalties.

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.

May possess and hold estate limited.

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 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 therefore 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.

Property divided into shares.

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 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.

Subject to assessment.

Delinquent shares to be sold.

Officers to be chosen.

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.

Proviso.

Shares liable to attachment.

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.

1804 ch. 83.

Act may be given in evidence.

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: *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. [*March 12, 1808.*] Add. act—1811 ch. 152.

Proviso.

Chap. 1.

1805 ch. 89.

An ACT in addition to an Act, entitled, "An Act to establish the Pond Street Corporation."

Width of the street.

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. [*June 10, 1808.*]

Proviso.

Chap. 2.

1793 ch. 21.

(V. 1. p. 465.)

1794 ch. 67.

(V. 2. p. 26.)

1798 ch. 16.

(V. 2. p. 241.)

1799 ch. 35.

(V. 2. p. 342.)

1802 ch. 98.

(V. 3. p. 131.)

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. [June 10, 1808.] Add. acts—1809 ch. 19: 1810 ch. 53: 1812 ch. 113. 115: 1814 ch. 100.

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. [June 10, 1808.]

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 Fitchburgh, 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. [June 10, 1808.]

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, 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 larger sum than in and by the same act allowed to be raised; *And provided also,* That the said Managers be and continue

Chap. 3.

1798 ch. 50.
(V. 2. p. 265.)
1803 ch. 123.
(V. 3. p. 384.)

Shares.

Limits of insurance.

Estate of stockholders to be held accountable in case.

Chap. 4.

1807 ch. 50.

Chap. 5.

1806 ch. 168.

Further time granted.

Provisos.

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 Governor 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. [June 10, 1808.]

Chap. 6.

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, 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 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.

SECT. 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.

Persons incor-
porated.

Qualifications
necessary to
become a
member.

In case of leav-
ing the society.

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. [June 10, 1808.]

Justice authorized to issue warrant.

An ACT to establish the Douglas, Sutton and Oxford Turnpike Corporation.

Chap. 7.

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 Briggs'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.

SECT. 2. *Be it further enacted*, That Salem Town, John Spurr, and John Farnum, Esq's. 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.

SECT. 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 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. [June 10, 1808.]

1804 ch. 125.

Chap. 8.

An ACT in addition to an Act, entitled, "An Act to incorporate the Proprietors of Mills on Charles River.

1797 ch. 45.
(V. 2. p. 193.)

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.

Proprietors
meetings—how
notified.

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 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.

Altered by
1817 ch. 56.

Removal of
obstructions.

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 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

1795 ch. 62.

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.

Commissioners
for that purpose.

Their duty.

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, 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.

Penalty for removing boundaries.

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. [June 10, 1808.] Further act—1817 ch. 56.

Proviso.

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.

Chap. 10.

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

Persons incorporated.

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 afore-said First Congregational Society in Becket, for a place of public 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 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 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; 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.

Justice authorized to issue warrant.

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. [June 10, 1808.]

Chap. 11.

An ACT establishing a corporation, by the name of The Salem Union-Street 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 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 politic 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 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.

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. Empowered.

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, Shares. Proviso.

shall not exceed forty thousand dollars in value, exclusive of such as may be taken as security for debts.

Property of individuals of the corporation liable.

1804 ch. 83.

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.

Persons authorized to call meetings.

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 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, 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.

Restrictions.

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.

Provisions for altering, amending or repealing the act.

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. [June 10, 1803.]

Chap. 12.
1803 ch. 91.
(V. 3. p. 328.)
1806 ch. 94.

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. [June 10, 1808.]

Fine for evading toll.

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.

Chap. 13.

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 Spofford 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. [June 10, 1808.]

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.

Chap. 14.

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 Cixton, 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. [June 10, 1803.]

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

Chap. 15.
1805 ch. 67.

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 contem-

Preamble.

plated, 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 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 public 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, awards and doings of committees appointed by the Courts of Sessions or General Sessions of the Peace, for laying out public highways; and provided that said committee make report of the location of said road, and of the damages assessed within six months.

SECT. 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

Powers of the committee.

Doings confirmed.

Committee to make return.

Persons aggrieved.

Former doings confirmed.

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. [June 10, 1808.] Add. act—1808 ch. 71.

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.”

Chap. 16.
1802 ch. 79.
(V. 3 p. 100.)

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 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.

Rate of toll altered.

Rate of toll established.

Proviso.

SECT. 2. *Be it further enacted,* That no team shall pass said bridge with loads exceeding forty-five hundred weight.

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. [June 10, 1808.] See act—1815 ch. 7: 1818 ch 107.

Corporation may commute the toll.

Chap. 17.
1807 ch. 13.

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 road from the last mentioned road, over Back Warwick 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 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.

This Corpora-
tion to erect
mills.

SECT. 2. *Be it further enacted,* That said Corporation shall erect, and forever keep in repair, one or more gristmills 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.

Liable for
damages.

Are holden to
provide a pass-
age for vessels.

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.

Penalty for
neglect.

Conditions on
which lands
may be pur-
chased.

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.

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 Dorches-

ter, 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, 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.

Shares.

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 the 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.

Estate of Corporation liable.

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. [June 10, 1808.]

Denomination.

Clerk.

An ACT to alter the Names of certain persons therein named.

Chap. 22.

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, de-

ceased, 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. [June 10, 1808.]

Chap. 23. 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.

Corrected by
Act of 4th
March, 1809.

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. [Nov. 17, 1808.]

Chap. 24.

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. [Nov. 17, 1808.]

Chap. 29.

An Act in addition to the several acts concerning Franklin Academy, in the north parish of Andover, in the County of Essex.

1803 ch. 27.
(V. 3. p. 220.)

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. [Feb. 18, 1809.]

Chap. 30.

An Act in further addition to an Act, entitled, "An Act to establish a corporation by the name of the Union Turnpike Corporation."

1803 ch. 98.
(V. 3. p. 343.)
1805 ch. 17.
(V. 3. p. 614.)

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, 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. [Feb. 18. 1809.] Further acts—1809 ch. 124: 1818 ch. 82: 1819 ch. 80.

An ACT to establish the line of jurisdiction between the towns of Blanford and Russell, in the County of Hampshire. *Chap. 32.*

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 magnetic 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 Russel. [Feb. 22, 1809.]

An ACT making a further alteration in the Toll of Essex Merrimack Bridge.

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; *Chap. 33.*
1791 ch. 35.
(V. 1. p. 336.)
1792 ch. 3. 35.
(V. 1. p. 370.
403.)
1795 ch. 49.
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 first day of April next, the proprietors of Essex Merrimack Bridge, shall be authorized to demand and receive a^s 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. [Feb. 22, 1809.] Further act—1813 ch. 103. *Rates of Toll.*

An ACT to establish the line of jurisdiction between the towns of Blandford and Chester, in the County of Hampshire. *Chap. 34.*

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, seventeen degrees thirty six minutes South, two thousand and seventeen rods to the East side of Westfield river. [Feb. 22, 1809.] Amended 1810 ch. 2, *Boundaries.*

Chap. 35. 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. [Feb. 22, 1809.]

Chap. 37. An ACT in addition to an Act entitled "An act to incorporate William Starkey and others, by the name of The Marine Society."
27 G. II.

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.

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 by-laws, shall in future establish and appoint.

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 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. [Feb. 23, 1809.]

Chap. 40. 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*

Powers.

Meetings.

Officers to be chosen.

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 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 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 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. [Feb. 23, 1809.]

Time of meet-
ing.

Proviso.

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," passed the sixth day of February, one thousand, eight hundred and seven. Chap. 42,
1806 ch. 30.

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, he, 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. [Feb. 23, 1809.]

An Act to incorporate the District of Tyngsborough, in the county of Middlesex, into a town by the name of Tyngsborough. Chap. 43.

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. [Feb. 23, 1809.]

Chap. 44.

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. [Feb. 23, 1809.]

Chap. 45.

An Act to incorporate a Baptist Society in the towns of Barnstable and Yarmouth.

SECT. 1. 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 Basset, Jonathan Snow, Ellis Norris, Samuel Snow, Isaac Baxter, Edward Bearse, Christopher Lovel, Daniel Lovel, Mary Ewer, Joseph Hallet, jun. Solomon Stewart, Zacheus 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

Persons incor-
porated.

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 Sturgis, 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.

Empowered.

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.

How to join the society.

Proviso.

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 public worship in the society he or she has left as aforesaid.

How to leave the society.

SECT. 4. *Be it further enacted*, That any Justice of the

Justice to issue
warrant.

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. [Feb. 23, 1809.]

Chap. 47.

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.

Trustees ap-
pointed.

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 politic 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.

Annual meet-
ing.

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 public 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 further empowered, at any of their meetings, called in manner aforesaid, to fill up all vacancies, occasioned by the death, resignation, or removal, of any of the trustees out of said

Treasurer to
give bonds.

Clerk's duty.

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 before-mentioned, 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 by-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 public notice of the time, place, and purposes, of such meeting, by posting a notification thereof in some public 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. [Feb. 27, 1809.]

To call meet-
ings.

An ACT to incorporate sundry persons into a company by the name of The Boylston Market Association. Chap. 48.

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,

Persons incor-
porated.

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.

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 public 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 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.

Proviso.

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.

Directors empowered.

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 by-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, by-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 by-laws and regulations shall not be repugnant to the Constitution or Laws of this Commonwealth.

Clerk's duty.

Proviso.

SECT. 6. *Be it further enacted*, That to give effectual sanction to the said by-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 public 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

To build a market.

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

Meeting to be called.

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. [Feb. 27, 1809.]

Chap. 49.
1805 ch. 58.
1807 ch. 93.

An ACT confirming the laying out the road of the Housatonic Turnpike Corporation, at and near the line of the State of New-York.

Preamble.

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 where, upon 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:

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. [Feb. 27, 1809.] Further acts—1810 ch. 67: 1816 ch. 34: 1820 ch. 5.

Chap. 50.

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.

Persons incorporated.

For what 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 Benjamin Dearborn, Jacob Welsh, William Coolidge, George Odiorne, George G. Lee, Jacob Perkins, Simon Willard, John Eveleth, Joshua Witherlee, John Fairbanks, Josiah Loring, David Cobb, and their associates, with such other persons as may be elected members of said association, be and they are hereby formed into a body politic 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 public Cabinet of Models and descriptions, and that they and their successors, shall be, and continue a body politic 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.

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 malconduct.

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 by-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. [Feb. 27, 1809.]

Fines.

An ACT to incorporate Rufus Pierce and others, for certain purposes.

Chap. 51.

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 Pierce, 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

Assessments.

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.

1783 ch. 39.

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, 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 public 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.

Land of delinquents to be sold for taxes.

Proviso.

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. [Feb. 27, 1809.]

Chap. 54.

1803 ch. 146.
(V. 3. p. 410.)

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 Isaac 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. [March 1, 1809.] Further act—1812 ch. 91.

An ACT to incorporate Joshua Fisher and others to manage a fund for charitable purposes, by the name of the Beverly Charitable Society. *Chap. 58.*

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 Beckford, John Batchelder, 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 politic 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.

Persons incor-
porated.

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 by-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.

Meeting to be called.

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 is further empowered to act as secretary, until another shall be chosen. [March 1, 1807.]

Chap. 61.

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.

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 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. 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 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 join 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.

How to leave the society.

Proviso.

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. [March 1, 1809.]

Justice to issue his warrant.

An ACT to repeal certain Acts, concerning Meadows and Beaches, in the north part of Harwich. Chap. 63.

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

1 Geo. III.
(V. 3. app'x.
p. 14.)

Skaket harbour on the east, and Quivet harbour on the west.²⁷ 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. [March 2, 1809.]

Repealed by
1810 ch. 63,

(V. 3. app'x.
p. 5.)

Chap. 64.

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. 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 selectmen 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.

SECT. 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.

SECT. 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. [March 2, 1809.]

Committee to
be chosen.

Penalty.

Chap. 67.
1803 ch. 48.
(V. 3. p. 43.)
1805 ch. 103.
1806 ch. 85.

An ACT further to continue in force an Act, entitled, "An Act to establish a corporation, by the name of The Essex 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 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. [March 3, 1809.] See also 1820 ch. 77, repealed by 1821 ch. 70.

An ACT to establish a corporation, by the name of The Groton and Pepperrell Turnpike Corporation. Chap. 69.

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. Simeon Green, and Lemuel Parker, all of Pepperrell aforesaid, together with such other persons as may hereafter associate with them, be, and they hereby are made a corporation and body politic, 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 public interest, to such point in the line of the state of New Hampshire, 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. Persons incorporated.

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. [March 3, 1809.] 1804 ch. 125.

An ACT to incorporate The Trustees of the Methodist Religious Society in Boston. Chap. 70.

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 politic, 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.

Number of trustees.

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 by-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 public 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.

Powers.

Of vacancies.

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.

Trustees to hold property.

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 public 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.

Proviso.

Common seal.

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.

First meeting.

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. [March 3, 1809.]

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."

Chap. 71.

1805 ch. 67.

1808 ch. 15.

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:

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 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 public convenience, and the interest of said corporation shall require it, they are hereby fully authorized to empower said corporation, instead of erecting full toll gates on said Turnpike as pointed out in said original act, to erect gates, subdividing the said toll, in such manner, and in such places as the public 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.

Corporation authorized to erect gates.

Proviso.

SECT. 2. *Be it further enacted,* That where the said Justices 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. [March 3, 1809.]

Sign to be erected.

An ACT incorporating Michael Collins and others, by the name of The Massachusetts Salt Work Company.

Chap. 74.

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 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, their successors and assigns, be, and hereby are made a Corporation, by the name of

Persons incorporated.

1808 ch. 65.

“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 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. [March 3, 1809.]

Chap. 75.
1807 ch. 86.

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.

Proprietors
empowered.

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 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 public 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 taxation therein, and shall pay their proportion of the money raised in said parish previous to such certificate.

Persons to be
taxed.

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 public 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.

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 public 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. [March 3, 1809.]

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."

Chap. 78.
1801 ch. 65.
(V. 2. p. 516.)

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 offend 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. [March 3, 1809.]

An Act incorporating Simon Larned and others by the name of the Pittsfield Woollen and Cotton Factory.

Chap. 83.

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.

1808 ch. 65.

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 per-

Corporation to hold property.

sonal 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. [March 4, 1809.]

Chap. 84.
1807 ch. 67.

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. [March 4, 1809.]
Add. act—1813 ch. 167.

Chap. 85.

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 Lapham, 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."

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. [March 4, 1809.]

Persons incorporated.
1808 ch. 65.
Corporation to hold property.

Chap. 86.

1804 ch 68.
(V. 3. p. 501.)

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 proprie-

tors 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 free 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 appraisal, 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. [March 4, 1809.]

Proprietors to pay damages.

Justices to appoint committee.

An ACT to incorporate Samuel Kellogg and others by the name of the Hoosack Cotton, Woollen and Linen Manufactory. Chap. 87.

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."

Persons incorporated.

1808 ch. 65.

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 ne-

Corporation to hold property.

cessary and convenient for establishing and carrying on the manufactory of Cotton, Woollen, and Linen in the north part of Adams, aforesaid. [March 4, 1809.]

Chap. 88.

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.

1808 ch. 65.

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. [March 4, 1809.]

Corporation to hold property.

Chap. 89.

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 Belden, jun. Asher Sedgwick, Eleazer Phelps, Josiah Curtis, Levi 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 Bennet, John Willard, Daniel Folliott, 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."

Persons incorporated.

1808 ch. 65.

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, Woolien and Linen at Lenox aforesaid. [March 4, 1809.]

Corporation to hold property.

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.

Chap. 91.
1805 ch. 76.

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, oftener or more than two days in a week. the days to be Monday and Tuesday, and from sunrise 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.

When to be taken.

SECT. 4. *Be it further enacted*, That from and after the passing of this act, no person or persons whatever shall be al-

Not to be taken within six rods of a dam.

lowed 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.

Committee to be chosen.

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.

Fines.

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 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.

Committee to meet.

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.

Empowered.

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 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. [March 4, 1809.] Further act—1812 ch. 106.

An ACT to alter the times allowed by law, for taking Fish in the mouth of Concord river.

Chap. 94.

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. [March 4, 1809.]

Days for taking fish.

1789 ch. 51, § 15.
(V. 1. p. 276.)

An ACT declaring and confirming the incorporation of the proprietors of the Meeting house in Hollis street, in the town of Boston.

Chap. 95.

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 politic 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.

Incorporation declared and confirmed.

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 pro-

Choice of officers.

Proviso.

prietors 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 public worship intervene.

Empowered.

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 public 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.

Of assessments.

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 personal estate; and whereas the deacons of the church usually assembling for public 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 public newspapers printed in Boston; and then, if all the arrears are not paid, to sell the same at public 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. [March 4, 1809.]

Meetings.

An ACT to incorporate the proprietors of Cambridge Port Manufactory.

Chap. 96.

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 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."

Persons incorporated.

1808 ch. 65.

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. [March 4, 1809.] Add. act—1812 ch. 147.

Corporation to hold property.

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

Chap. 97.

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 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'Gregoire 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. [March 4, 1809.]

Chap. 100.
1797 ch. 77.
(V. 2. p. 226.)

AN ACT in addition to the Act, entitled, "An Act to incorporate the proprietors of Mills on Mill Creek, in Dedham, and Neponset River, in Dorchester and Milton.

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

Notice of meeting.

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 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, as well on said Mill-Creek, as on Charles River; and the said commissioners shall fix and

Removing obstructions.

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. [March 4, 1809.]

Chap. 1.

An ACT incorporating the First Congregational Society in the Town of Tyringham.

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 Adonijah Bidwell, Azariah Orton, Eli Picket, John Rewce, John Jackson, Ebenezer Jackson, Ebenezer Chadwick, Benjamin Griffin, Ebenezer Rewce, John Heath, Elisha Taylor, Alvan Taylor, Lystra Taylor, Elijah Fowler, Zadock Rewce, Josiah Brewer, jun. Roswell Richards, Miller Peck, Benjamin Warren, jun. Isaac Brewer, Jonas Brewer, Joseph Chapin, Josiah Hale, Nathan Hale, Lemuel Townshend, Josiah Brewer, Daniel Brewer, Nathan Merriam, Joshua Brewer, John Brewer, John Langdon, Amasa Curtis, Darius Stebbens, Charles Jackson, Jesse Langdon, Zebina Curtis, Salathiel Hale, Isaac Harmon, Noah Allen, Abigail Hale, Amasa Curtis, jun. Thankful Brewer, Amos Langdon, Moses Bradley, Joseph Avery, Elisha Garfield, Daniel Garfield, Sanford Gleason, Manasseh Fairbanks, Stephen Brookins, Penuel Hobbs, Samuel Townshend, Asa Bigelow, Samuel Tibbals, John Bentley, Jedidiah Chapin, and Elijah Walter, be, and hereby are incorporated into a society, by the name of The First Congregational Society, in the town of Tyringham, subject to the duties and obligations hereinafter mentioned, and vested with the powers, privileges and immunities hereinafter specified, and all others which are common to other religious societies.

Corporation empowered to hold real estate.

SECT. 2. *Be it further enacted*, That the said corporation may take and hold real and personal estate, not exceeding at any time the value of ten thousand dollars in the whole, the income of which shall be applied to the support of a Congregational Teacher of piety, religion and morality, in the south

part of said town of Tyringham, forever ; and if it shall be more than sufficient for that purpose, the surplus shall be applicable to repairs of their meeting house, or such other pious uses as the said society shall direct, but the trustees thereof shall not receive any compensation, to be paid out of said fund for their services.

SECT. 3. *Be it further enacted,* That the said society may at their first meeting, to be called in the manner hereinafter provided for, and at their annual meeting to be holden on the first Monday of January, every year, appoint a clerk and a treasurer, to be sworn to a faithful discharge of the duties of their respective offices, and any number of trustees not exceeding seven, whose duty it shall be to manage the fund, and the prudential concerns of said society ; and it shall be the duty of the treasurer to prosecute or defend any action in the name and behalf of said society ; and at any future meeting, lawfully called and warned for that purpose, the said society may dismiss any of their said officers and supply any vacancy, occasioned by such dismissal, or by death, or otherwise, and may also appoint any other officers which they shall judge necessary or proper to effectuate the purposes of their incorporation.

Clerk and treasurer.

To be sworn.

Trustees.

SECT. 4. *Be it further enacted,* That the said society be, and hereby are empowered, to recover and receive the sums of money respectively subscribed for the use of said society, before this act of incorporation, by the several persons hereby incorporated, according to the terms of the subscription, and to take security, either real or personal, for the same. conditioned that if the interest be paid annually on or before the first Monday of January every year, the principal shall not be called for within fifteen years, except at the request of a surety, or when in the judgment of the trustees the security shall be insufficient, in which cases the principal may be demanded and collected at any time ; and the principal as well as interest shall be received whenever tendered to the treasurer of said society.

Powers of the corporation.

SECT. 5. *Be it further enacted,* That the said society may obtain and receive further subscriptions and donations, provided their whole fund shall not exceed the aforesaid amount of ten thousand dollars, and may by vote admit other subscribers and the heirs of subscribers to be members of the said society.

SECT. 6. *Be it further enacted,* That each member of the said society, and no other person, shall be entitled to vote in their meetings.

SECT. 7. *Be it further enacted,* That any three of the persons, hereby incorporated, may call a meeting of the said society, to be holden at such time within three months, and at such place within said town of Tyringham, as they may judge most convenient, by posting up notifications of the time, place and purposes of said meeting, in two or more public places in said town, fourteen days at least before the time of holding the

Three persons may call meeting.

same, at which meeting the said society may establish the mode of calling and warning future meetings.

SECT. 8. *Be it further enacted*, That the books of record and of account of the said society, shall be laid before them at their meetings on the first Monday of January annually, by the clerk and treasurer, and shall at all times be open to the inspection of the Legislature, or any committee appointed for that purpose by the Legislature, as well as of the trustees or committee of said society. [June 16, 1809.]

Records subject to inspection of the Legislature.

Chap. 3.

An ACT to establish the dividing line between the Parish of Eyfield on one part, and the first and third Parishes in Newbury, and the East Parish in Bradford, on the other part.

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 following boundaries according to their courses shall constitute, and are hereby established, as the dividing line between the Parish of Byfield on one part, and the first and third Parishes in Newbury, and the east Parish in Bradford on the other part, viz. beginning at the Bound tree, between Bradford and Rowley, by the second Parish in said Rowley, thence north eighty-four degrees east, thirty-eight rods and eighteen links, thence east fifty-one rods, thence north sixty-five degrees east, one hundred and fifty rods, thence north seventy-eight degrees east, one hundred and eight rods, thence north forty-five degrees west, one hundred and forty three rods to Beaver Brook (so called) by the bounds of the third parish in Newbury aforesaid; thence north thirty-six degrees east, one hundred and sixty-six rods, by said third parish in Newbury to the road leading from Crane Neck (so called) to Pearson's mills in Byfield, thence the course of said road south seventeen degrees east, forty rods, thence continuing on said road north eighty-three degrees east, twenty-one rods, thence south thirty-seven degrees east, on said road twenty-six rods to land of Amos Dole on the easterly side of said road, thence south seventy-five degrees east, sixty-four rods to the corner of Deacon Joseph Hale's wood lot, thence south forty-five degrees east on the easterly side of said Hale's wood lot, eighty-six rods, and seventeen links, thence south seventy-two degrees east, one hundred and five rods and ten links, to the road near Lunt's Corner (so called) thence south thirty-four degrees east, across said road three rods and fifteen links to the beginning of a drift way, thence north fifty-six degrees east, on the southerly side of said way, one hundred and twenty-six rods and nine links to the northeasterly corner of land belonging to the heirs of William Moody; thence south, thirty-eight degrees east, twenty-six rods and eight links, thence south seventy degrees east, forty-five rods and nine links to the southerly side of a drift way at the northerly corner of John Turner's land, thence south seventy degrees east, thirty-five rods, and sixteen links to the Sewall farm (so called); thence north seventy-three degrees east, fifty-four rods to the southwest corner of saw-mill pasture (so called) thence north, seventy-nine degrees east, seventy-

Boundaries described.

seven rods, and seven links, thence north two degrees west, fifteen rods and fourteen links; thence north seventy-one degrees east, forty rods; thence south thirty-nine degrees east, twenty rods and seventeen links; thence east one hundred and seventeen rods to Rattle Snake Rock, (so called); thence north sixty-six degrees east, one hundred and seventeen rods to John Noyes' farm; thence north eighty-four degrees east, twelve rods and twenty-two links; thence south twenty-six degrees east, seventy-two rods; thence south thirty-seven degrees east, fifty-six rods to the south side of the high way; thence the same course, three rods to a large rock in George Adams's pasture; thence south one degree east, sixty-eight rods, thence south thirty degrees west, seven rods to a rocky point of upland, thence south twenty-eight rods to the river Parker, at the dividing line between land of John Noyes and George Adams; thence on the same course across said river, and down the same on the southerly side to the mouth of Rowley river at Oyster Point (so called); thence up said Rowley river to Rowley line where it meets the dividing line between the first parish in said Rowley, and the said Parish of Byfield as formerly established by law. [June 16, 1809.]

An ACT to incorporate certain persons, by the name of The Cheshire Glass Manu- Chap. 6.
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 Nathan Wood, George Clark, Selah Root, Amos Pettibone, Benjamin Whipple, Stephen Whipple, Samuel Whipple, Eddy Mason, Brooks Mason, Benjamin Clark, Warren Southworth, Jesse Hix, Joseph Stephens, jun. Jonathan Pettibone, Jesse Mason, jun. Philo Pettibone, Frederick Noble, Truman Turrill, Thomas Hix, Samuel Bacon, Nathaniel Kent, William Millen, Ephraim Farrington, Moses Wolcott, Joel Redway, Jonathan Fish, jun. Calvin Fish, Daniel Coman, John Bennet, Timothy Sanders, Elisha Mowry, Elisha Clapp, Emerson Brown, Timothy Noble, Martin Guetian, Ebenezer Buck, John Turril, David Buck, Timothy Whitney, Silas Bagg, Hezekiah Mason, John Welles, Elisha Welles, John Welles, jun. Charles Welles, Elisha Tibbits, George Tibbits, Townshend M'Cown, Calvin Hall, John Leland, jun. Daniel Brown, Darius Brown, John Brown, Joseph Bucklin, William Machem, Daniel Barker, Ezra Barker, William Henry Smith, Heathcoat Hart, and John Hart, 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 Cheshire Glass Manufactory, for the purpose of manufacturing Glass in the town of Cheshire, 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 third day of March last past, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." Persons incor-
porated.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding 1808 ch. 65.
Empowered to
hold real es-
tate.

fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture of Glass in the said town of Cheshire. [June 16, 1809.]

Chap. 9. An ACT to incorporate William Davis and others, by the name of The Plymouth Cotton Manufactory.

**Persons incor-
porated.**

1808 ch. 65.

**Empowered to
hold real es-
tate.**

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 Davis, Samuel Spear and Nathaniel Russell, 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 Plymouth Cotton Manufactory, for the purpose of manufacturing cotton and woollen in the town of Plymouth, 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 third day of March last, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed 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 carrying on the manufactory of cotton and woollen in the said town of Plymouth. [June 16, 1809.]

Chap. 11. An ACT to incorporate the District of Easthampton, in the county of Hampshire, into a Town, by the name of Easthampton.

**Easthampton
incorporated.**

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands comprised within the limits of the District of Easthampton, as the same are now bounded, with the inhabitants dwelling thereon excepting Elijah Pomroy, Caleb Pomroy, Moses Bartlett, and Preserved Bartlett's heirs, with the lands whereof they were severally seized and possessed in their own right on the seventeenth day of June, Anno Domini seventeen hundred and eighty-five, be, and they hereby are incorporated into a town by the name of Easthampton, and the said town is hereby invested with all the powers, privileges and immunities, to which towns within this Commonwealth, are or may be entitled agreeably to the constitution and laws of the said Commonwealth. [June 16, 1809.]

Chap. 12. An ACT to enable the Boston Mill Corporation to divide their estate among the Proprietors.

**Proprietors au-
thorized to di-
vide their es-
tate.**

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 Boston Mill Corporation shall be and hereby are authorized at any meeting to be called for that purpose, from time to time, to agree upon any mode for effecting a fair, equal and convenient division or partition of their estate, or any part thereof, by lot, sale at auction among the proprietors, or otherwise, and upon such terms and principles as they may

judge and determine to be expedient; and in case it shall so happen that the said estate, or such part thereof as may be ready for division, cannot conveniently be divided (in the opinion of said corporation) so as to accommodate each proprietor with a quantity of land, equal and in proportion to his interest, the said corporation shall have power to make all such rules and regulations, respecting credit to be given to those proprietors who become purchasers to a greater amount than their shares, and respecting the payment and indemnification of those who do not purchase to the amount of their shares, as they may judge expedient and for the interest of the corporation.

SECT. 2. *Be it further enacted*, That all powers hereby given to said corporation, may be delegated to and exercised by their President and Directors, or by any committee for that purpose specially to be appointed. [June 17, 1809.]

An ACT establishing a corporation, by the name of The Marblehead Social Insurance Company.

Chap. 14.

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 Story, Joseph Barker, Joseph Wilson, and all such persons as have already, or hereafter shall, become their associates and 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 Marblehead 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.

Name.

Powers.

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, (the stockholders to have liberty to extend it to, but not to exceed, one hundred and fifty 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.

Capital stock not to exceed one hundred and fifty thousand dollars.

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 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 Marblehead, 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.

President.

Qualifications of Directors.

How chosen.

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 ten votes; and the stockholders, not present, may vote by proxy, under such regulations as said company shall prescribe; and if, through any unavoidable accident, the said Directors shall 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.

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.

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.

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 despatch 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 insurance upon vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person during his absence at 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,

Proviso.

President chosen by Directors.

To be sworn.

Special election may be holden.

President and three directors may transact business—

And make by-laws.

Proviso.

Stated meetings of the directors.

Policies to be subscribed by the President.

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 policy so subscribed, may be adjusted and settled by the President and board of 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 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 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 proprietors, 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 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 to be made semi-annually.

Individual estates made accountable.

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, or of other Officers, which the proprietors shall for such purposes appoint.

Stock to be invested.

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.

Instalments.

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.

Persons not eligible as directors.

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 amount of any and every loss that shall take place under policies thus subscribed.

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.

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.

SECT. 14. *Be it further enacted*, That Isaac Story, Joseph Barker, and Joseph Wilson, or any two of them, are hereby authorized to call a meeting of the members of said company as soon as may be in Marblehead, by advertizing 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 ten. [June 17, 1809.] Add. acts—1810 ch. 18: 1811 ch. 2: 1813 ch. 8: 1817 ch. 24: 1819 ch. 9.

Chap. 15.

An ACT to incorporate certain persons by the name of The Boston Glass 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 Gore, Thomas Walley, Jonathan Hunnewell, Charles F. Kupfer, and Samuel H. Walley, with such other persons as already have or hereafter may associate with them, their successors and assigns, be and hereby are made a corporation, by the name of the Boston Glass Manufactory, for the purpose of manufacturing Glass, 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 third day of March last past, entitled "an act defining the general powers and duties of manufacturing Corporations."

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufactory of Glass. [June 17, 1809.]

Chap. 16.

An ACT to establish The Salem India Wharf 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 George Crowninshield, George Crowninshield jun. John Crowninshield, Benjamin Crowninshield, and Richard Crowninshield, owners and proprietors of a certain parcel of

Amount of stock to be published.

Proviso.

First meeting of stockholders.

Persons incorporated.

1808 ch. 65.

Corporation empowered to hold real estate.

Persons incorporated.

land, wharf and flats in Salem, in the county of Essex, known by the name of India Wharf, and 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 politic and corporate, by the name of The Salem India Wharf Corporation, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court 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.

Powers of the Corporation.

Proviso.

SECT. 2. *Be it further enacted*, That the said corporation shall be and hereby is declared capable to have, hold and possess the said land, wharf and flats, called India Wharf, and the privileges and appurtenances thereof, and also any other lands and tenements connected therewith, not exceeding the additional value of thirty thousand dollars, exclusive of the buildings thereon, and shall have power to erect any buildings, on any real estate owned by them, and any sea wall or other walls, to protect and secure the same, 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. 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 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.

Individual property liable to attachment.

SECT. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate funds 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.

1804 ch. 83.

Meeting for choice of officers.

SECT. 5. *Be it further enacted*, That George Crowninshield, George Crowninshield, jun. and Benjamin Cowninshield, or any two of them, may call the first meeting, by advertizing 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 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.

Proviso.

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 a legal conveyance thereof from such person or persons, to the said corporation.

This act subject to repeal.

SECT. 7. *And 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. [June 17, 1809.]

Proviso.

Further proviso.

Chap. 17.

An ACT to incorporate William Edwards and others, by the name of The Hampshire Leather 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 William Edwards, Sylvester Emmons, Spencer Clark, Gideon Lee, Roswell Hubbard, and William Hubbard, 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 Hampshire Leather Manufactory, for the purpose of manufacturing leather at Northampton, Chester, and Cummington, in the county of Hamp-

shire, 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 third day of March, in the year of our Lord one thousand eight hundred and nine entitled "An act defining the general powers and duties of manufacturing Corporations." 1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said Corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate not exceeding the value of seventy thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of leather in the towns of Northampton, Chester and Cummington, aforesaid. [June 17, 1809.]

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 proprietors of the Middlesex Canal, shall be allowed the further time of four years from the twenty second day of June current, to render Concord river boatable and navigable, and for cutting other canals in the county of Middlesex, pursuant and according to the tenor of the acts heretofore passed on that subject. [June 19, 1809.] Add acts—1810 ch. 53 : 1812 ch. 113. 115 : 1814 ch. 100.

Chap. 19. ,
1793 ch. 21.
(V. 1. p. 465.)
1794 ch. 67.
(V. 2. p. 26.)
1798 ch. 16.
(V. 2. p. 241.)
1799 ch. 35.
(V. 2. p. 342.)
1802 ch. 98.
(V. 3. p. 131.)
1808 ch. 2.
Proprietors allowed further time.

An ACT to change 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'Brien, the third, of Newbury, in the county of Essex, shall be allowed to take the name of John Maurice O'Brien; that John Hooper, of Marblehead, in the county aforesaid, shall be allowed to take the name of John Grist Hooper; that Josiah Clark, of Sharon, in the county of Norfolk, who has been known and called by the name of Joseph Huin, shall be allowed to take the name of Joseph Huin; that Samuel Bayley, jun. of Weymouth, in the county of Norfolk, shall be allowed to take the name of Samuel Publius Bayley; that William Stickney, the third, of Newbury, in the county of Essex, shall be allowed to take the name of Albert Alonzo Stickney; that Joseph Sprague, jun. of Salem, in the county of Essex, shall be allowed to take the name of Joseph E. Sprague; that Samuel Lee, of Boston, in the county of Suffolk, shall be allowed to take the name of William Raymond Lee; that Elijah White, of Boston, aforesaid, shall be allowed to take the name of Ferdinand Elliot White, and Israel Putnam the fourth, son of Eleazer Putnam of Danvers, in the county of Essex, Esq. shall be allowed to take the name of Israel Warburton Putnam. And the said persons shall, from and after the passing of this act, be 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. [June 19, 1809.]

Chap. 21.
Names changed.

Chap. 22. An Act in addition to an Act, entitled, "An Act to establish a Company by the name of The Worcester and Stafford Turnpike Corporation."
 1805 ch. 33.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the honourable Salem Town, Esq. Abner Brown, Esq. and Mr. Reuben Sikes, of Worcester, be a committee to examine that part of the turnpike road which the Worcester and Stafford turnpike corporation were empowered to make, and which is now located over a hill in the town of Sturbridge, on land of Lyon and of Upham; and if they think fit, to discontinue the road so located over said hill, and locate a road in lieu thereof, in such course, by the side of said hill, as will best accommodate the public, and be least prejudicial to individuals; and that said committee be, and they hereby are authorized and empowered, to make such alterations in the former assessment of damages, and assess such other damages as may be just and reasonable, in consequence of locating said turnpike road, according to the authority hereby given, and according to the act to which this act is in addition.

SECT. 2. Be it further enacted, That the said Salem Town, Abner Brown, and Reuben Sikes, be a committee to examine said turnpike road, and approve of the same, if made conformable to law, and that upon such approbation being had, the said corporation may apply for a committee to establish their gates according to law. [June 19, 1809.] Further acts —1809 ch. 111 : 1819 ch. 113.

Chap. 28. An Act in addition to the several Acts now in force to regulate the paving of Streets in the town of Boston, and for removing obstructions in the same.
 1799 ch. 31.
 (V. 2. p. 338.)
 1804 ch. 73.
 (V. 3. p. 506.)

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 paving or repairing the pavement of any street, in the town of Boston, in future, no person shall place timber or wood, in front of his or her house or lot, to support the foot walk; but the same shall be supported with hammered or cut stone any thing in the second section of the act to which this in addition, passed the twenty second day of June, in the year of our Lord one thousand seven hundred and ninety nine, to the contrary notwithstanding.

SECT. 2. Be it further enacted, That the selectmen of the town of Boston, shall be, and they hereby are empowered to appoint suitable places in the streets or squares of said town, in which all waggons, carts, sleds, or other carriages, shall be directed to stand.

SECT. 3. Be it further enacted, That said selectmen shall have power from time to time, to make and adopt such rules and orders, for the due regulation of all such carriages, in the streets of the town of Boston, as to them shall appear necessary and expedient; which rules and orders shall be published, at least one week, in two of the newspapers printed in the said town; and any owner or driver of any carriage, who shall offend against any such rule or order, so adopted and published, shall forfeit and pay a sum not exceeding five dollars, to be recovered upon complaint of either one of the selectmen of

Selectmen may
 appoint places
 for teams, &c.

said town of Boston, before any one of the Justices of the peace for the county of Suffolk; and all such fines and forfeitures shall be paid for the use of the person prosecuting for breach of any such rule or order. [June 19, 1809.] Further act—1816 ch. 90.

An ACT to unite and incorporate the town of Loudon and district of Bethlehem, in the county of Berkshire, into one town, by the name of Loudon.

Chap. 29.

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 March next, the town of Loudon and the district of Bethlehem, in the county of Berkshire, be and they hereby are united into one town by the name of Loudon.

Loudon incorporated.

SECT. 2. *Be it further enacted,* That the selectmen of the town of Loudon be and they hereby are authorized and empowered to issue their warrant in the month of February next, directed to the constables of the town of Loudon and district of Bethlehem, or such other person, or persons, as they shall appoint for that purpose, requiring them to notify and warn a meeting of the inhabitants of the town of Loudon and district of Bethlehem, fourteen days at least, before the first day of March next, to meet and assemble on the said first day of March, at such place in said town, as the said selectmen shall appoint for the purpose of choosing town officers, and doing such other business as shall be expressed in the said warrant.

Meeting for choice of officers.

SECT. 3. *Be it further enacted,* That all state, county, town, and ministerial taxes due, and debts contracted by either the town of Loudon or the district of Bethlehem, previous to the first day of March next, shall be paid by them respectively.

SECT. 4. *Be it further enacted,* That the stock and property owned by the said town of Loudon, or district of Bethlehem, shall from and after the said first day of March next become one entire fund, and be the property of the said town of Loudon. [June 19, 1809.] Name altered to Otis—1810 ch. 1.

An ACT to incorporate Benjamin Smith and others, by the name of The Franklin Mechanic Association.

Chap. 30.

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 Smith, Joseph Mansfield, and John Hooper Gregory, with their associates, and such as may hereafter join with them, be and they are hereby incorporated into a body politic by the name of The Franklin Mechanic Association, in Marblehead, for the purpose of encouraging and promoting the general interest of the arts and sciences, as well as affording relief to the distressed; that they shall have perpetual succession by the said name, have power to make all by-laws and regulations, necessary for maintaining and promoting the purposes of their institution, and not repugnant to the constitution or laws of this Commonwealth.

Persons incorporated.

Powers of the Corporation.

SECT. 2. *Be it further enacted,* That the said Franklin Mechanic Association in Marblehead, be, and hereby are authorized and empowered to make, and use a common seal, and

Empowered to hold real estate.

hereby are made liable to be sued, and empowered to sue, and defend in their said corporate capacity in any of the courts of law of this Commonwealth, and to make purchases, and receive subscriptions, grants and donations of real or personal estate, not exceeding the sum of fifty thousand dollars in either, and to dispose of their property at any time, as to a majority of their corporation, shall seem fit and meet, the said majority being restricted to the before mentioned purposes of the institution.

Officers.

SECT. 3. *Be it further enacted*, That the said society be and are hereby authorized to meet on the third Thursday of July next and ever after, annually, on the last Thursday of December, to choose a president, clerk, treasurer, and such other officers, as to them may appear necessary, each to continue, until others may be chosen in their room and stead; the said clerk and treasurer to be sworn to the faithful discharge of the duties of their several offices.

SECT. 4. *Be it further enacted*, That Joseph Mansfield, be authorized and empowered to call a meeting of the members of the said association, on the third Thursday of July next, before mentioned, at such place as to him may seem proper.

SECT. 5. *Be it further enacted*, That the Legislature may, from time to time, make further provisions, and regulations for the management of this corporation, and may repeal the whole or part of this Act whenever it shall be deemed expedient. [June 20, 1809.]

This Act subject to repeal.

Chap. 33.

An ACT to establish a corporation, by the name of The Granville 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 Justus Rose, of Granville, in the county of Hampshire, together with such others as have or may hereafter associate with him, their successors and assigns, be and they hereby are made a corporation by the name of The Granville Turnpike Corporation, for the purpose of making and keeping in repair a turnpike road from the south line of this Commonwealth, at or near the ending of a turnpike road lately established by the state of Connecticut, from the city of Hartford, to said south line of Massachusetts, thence through the east parish of Granville into the town of Blanford, in the same course and direction in which the road of the Eleventh Massachusetts Turnpike Corporation was lately located, till it intersects a county road near the house of Jedidiah Smith, Esq. leading from Blanford to Loudon; 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.

SECT. 2. *Be it further enacted*, That the said corporation shall be allowed to erect one gate on the said road, at or near the dwelling-house of the said Justus Rose. [June 20, 1809.] Add. act—1811 ch. 128.

Persons incorporated.

1804 ch. 125.

An ACT to incorporate Nicholas Thorndike and others, into a company, by the name of The Beverly Marine Insurance Company. Chap. 35.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nicholas Thorndike, William Leach, and Josiah Gould, and all others who have already, or shall hereafter become stockholders in the said company, being citizens of the United States, be, and they hereby are incorporated into a company, or body politic, by the name of The Beverly Marine Insurance Company, for and during a term which shall not exceed 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 may have a common seal which they may alter at their 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 the business of said company, shall be one hundred thousand dollars, of which not more than twenty thousand dollars shall at any time be invested in real estate; and said capital stock shall be divided into one thousand shares. Capital stock.

SECT. 3. *Be it further enacted,* That the stock, property and interests of said company, shall be managed and conducted by seven directors, who shall hold their offices respectively one year, and until others shall be chosen, and no longer; and shall be elected on the fourth Monday of July, in each and every year, at such time of the day, and in such place in the town of Beverly, as a majority of the directors for the time being shall appoint; of which election public notice shall be given in the Salem Gazette, or in some other newspaper, which shall be printed in the town of Salem, two weeks successively, immediately preceding said election; and the directors who shall be chosen, shall meet as soon as may be after each election, and shall choose one of their number to be president, to continue in office for one year; and the president and directors who shall be thus elected, shall be sworn to the faithful discharge of the duties of their respective offices; and in case of the death, resignation or inability to serve of the president, or of any director, such vacancy, or vacancies shall be filled for the remainder of the year, in which they shall happen, by a special election for the purpose, which shall be notified and holden in the same manner herein before prescribed respecting annual elections of directors; and all elections and other questions shall be decided by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided,* that no stockholders shall be allowed more than ten votes, and that in the choice of directors the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe; and the said directors shall have power to allow to the president annually, a reasonable salary or compensation for his services. Directors.
President.
To be sworn.
Proviso.

Qualifications
of directors.

SECT. 4. *Be it further enacted,* That no person shall be eligible as a director of the company by this Act established, who shall not be a stockholder in said company, or who shall be a director of any other company, carrying on the business of Marine Insurance.

SECT. 5. *Be it further enacted,* That the President and Directors shall have full power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, respecting the management of the stock, 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; the meetings of the stockholders, and of the directors, the manner of voting in such meetings, and all such matters as appertain to the business of Marine Insurance; and shall also have power to appoint a secretary and so many clerks, agents and servants, as they shall find to be necessary, and to allow to the persons who shall be thus appointed, reasonable salaries and compensations: *Provided,* That such by-laws, rules and regulations be not repugnant to the constitution or laws of this Commonwealth.

Proviso.

SECT. 6. *Be it further enacted,* That the sum of thirty dollars on each share of the capital stock of said company shall be paid within thirty days after the first meeting of the stockholders, and that the residue of each share shall be paid within twelve months from the term limited for the said payment, at such instalments, and in such manner, and under such penalties, as the said company shall direct.

Meetings.

SECT. 7. *Be it further enacted,* That there shall be stated meetings of the directors, at least four times in each year, and whenever 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 necessary, for the transaction of business; and the said board of Directors or the President and committee aforesaid, shall have power and authority on behalf of the company, to make insurances on 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 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 or 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 company; and all losses 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: *Provided,* That no insurance shall be made by the said President, Directors or Company until the said first instalment of thirty dollars on each share of the capital stock, shall be fully paid.

Insurance.

Policies to be
subscribed by
the President.

Proviso.

Amount of
stock to be
published,

SECT. 8. *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 some newspaper printed in Salem, 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 the amount of their capital stock actually paid in.

SECT. 9. *Be it further enacted,* That in case of any loss or losses taking place, equal to the capital stock of said company, or to the amount of said capital stock, actually paid in, if the President or Directors knowing of such loss or losses, shall subscribe to any policy or policies of insurance, the said President or Directors and their estates shall be liable and accountable, jointly and severally, for the amount of any and every loss which shall take place under policies so subscribed.

Individual estates made accountable.

SECT. 10. *Be it further enacted,* That it shall be the duty of the President and Directors on the fourth Monday of January and July, in every year, to make dividends of so much of the interest arising from their capital stock, and the net profits of the said company, as to them shall appear advisable, except monies received, and notes taken for premiums on risks yet undetermined, which shall not be considered as part of the profits of the company; which dividends shall be payable at the office 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 stockholder's estate shall be 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 the stockholders, the Directors shall lay before the company at a general meeting an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 11. *Be it further enacted,* That the said company shall not, directly or indirectly, be concerned in buying or selling any goods, wares, merchandize or commodities whatever; and the capital stock of said company, except that part which shall be invested in real estate, shall within the term of six months after payment of the same, 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 said company.

Stock to be invested.

SECT. 12. *Be it further enacted,* That the president and directors of said company shall, whenever required by the legislature of this Commonwealth, lay before them a true statement of the affairs of said company, and shall submit themselves to examination under oath concerning the same.

SECT. 13. *Be it further enacted,* That Nicholas Thorndike, William Leach, and Josiah Gould, aforesaid, or any two of them, are hereby authorized to call the first meeting of the members of said corporation, as soon as may be, in said Beverly, by advertising the same for two weeks in the Salem Ga-

First meeting.

zette, printed in the town of Salem. [June 20, 1809.] Add. acts—1810 ch. 3: 1811 ch. 3: 1813 ch. 1: 1816 ch. 54: 1821 ch. 36.

Chap. 36.

An ACT to provide for the storing and safe keeping of Gunpowder in the town of Cambridge, and to prevent damage from 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 after the first day of September next, it shall not be lawful for any person living in said town, to keep or have in any house, store, or other building within said town, except such building as shall be provided for that purpose, and approved by the fire-wards and selectmen of said town, more than fifty pounds weight of gun-powder at any one time, nor any quantity thereof, unless the same shall be kept in brass, copper, or tin cannisters; and if any person or persons shall so have or keep in any building, any gunpowder contrary to the provisions aforesaid, he shall forfeit and pay the full value of the same, one moiety thereof to the use of the person who shall inform, complain or sue for the same, and the other moiety to the treasurer of the town of Cambridge, to the use of the poor of the town aforesaid, to be recovered with costs, by information or indictment in the Court of Common Pleas, or by action on the case before any court, having by law jurisdiction and power to try the same; and any Justice of the Peace of said county, on information supported by oath, is hereby authorized to issue his warrant, returnable to himself within sixty days, directed to any fire-ward or constable of said town of Cambridge, requiring him forthwith to seize any quantity of gunpowder kept in any building in said town, contrary to this Act, and to remove the same to the powder house, to be there kept as security for the penalty incurred by the owner or possessor thereof, and until such penalty, with the cost of seizing, removing and storing the same, shall have been paid; and such fire-ward, or constables having such warrant may seize and remove any such gunpowder in the day time, giving notice to the owner of said powder, or occupant of the building where the same may be found, by reading such warrant to him, or leaving an attested copy thereof at his usual place of abode in said town. And the keeper of the powder house shall receive and keep the same until the clerk of the court in which the information, indictment or action of the case had been pending, shall certify that said suit or process is at an end, and settled, or unless property shall have been attached on said process, or security given by the person who has incurred the forfeiture, to respond the judgment. And in every case the proprietors of the powder house shall have a lien on the powder stored therein, for their fees due for such storage.

Weight limited.

Penalty.

Justice to issue his warrant.

Persons incorporated.

SECT. 2. *Be it further enacted,* That John Hayden and his associates, be and hereby are incorporated and made a body politic by the name of the Powder House Corporation, and may have and enjoy all the powers and privileges, which are by law incident to corporations, for the purpose of building a powder

house in Cambridge, aforesaid, for the storage and safe keeping of gunpowder ; and to purchase and hold a suitable piece of land on which to erect the same, the place and building to be approved and accepted by the fire-wards and selectmen of Cambridge.

SECT. 3. *Be it further enacted*, That said powder house corporation, shall constantly keep a suitable person, who shall be approved by the fire-wards of said town to superintend said powder house, and shall be obliged to receive and deliver powder into and from the same, and shall be allowed to receive at the rate of five cents per month, for the storage of every cask of gunpowder containing twenty-five pounds, and in proportion for a larger or smaller quantity ; and at the rate of two and a half cents per month for every cask of like weight for every month after the first, during all the time which it shall be stored or kept therein, and twenty-five cents upon each delivery of any quantity thereof ; and the proprietors of said powder house shall be held responsible both in the corporate and individual property to any owner or depositor of powder in said house, for any damage arising from the deficiency of said house, or the refusal, delay, or gross negligence of the keeper.

Superintendent—

His duty, and fees.

SECT. 4. *Be it further enacted*, That the said John Hayden, shall have a right to call the first meeting of said corporation, by posting up notice thereof at two public places in said town at least five days previous to such meeting, at which time they may choose such officers for the management of said corporation, as they may think fit, and make such by-laws for their own regulation, as are not repugnant to the laws of this Commonwealth.

First meeting called.

SECT. 5. *Be it further enacted*, That the legislature may at any time after two years from the passing of this act, repeal, alter or amend the same. [June 20, 1809.]

This act subject to repeal.

An ACT to set off certain lands belonging to the town of Taunton, and to annex them to the town of Berkley.

Chap. 39.

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 belonging to Simcon Burt, Abner Burt, Edmund Burt, and the heirs of Stephen Burt, deceased, which belong to the town of Taunton, but lie within the bounds of the town of Berkley, with all the buildings standing on the same, be, and they are hereby set off from the town of Taunton, and shall be annexed to, and made part of the town of Berkley : *Provided however*, that the said Simeon Burt, Abner Burt, Edmund Burt, and the heirs of Stephen Burt, 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 Taunton, prior to the date of this Act.

Lands annexed to Berkley.

SECT. 2. *Be it further enacted*, That there shall be taken from the town of Taunton, and be added to the town of Berkley, three cents in the state valuation, which shall be the rule for assessing the said towns for state and county taxes, until there shall be a new valuation taken. [Feb. 6, 1810.]

Chap. 41.
1807 ch. 74.

An ACT in addition to an Act, entitled "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."

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 second day of March next, be allowed to the proprietors of the Brighton and Cambridge Port Bridge, for building the bridge and road, which they are authorized to build by the Act, entitled "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." [Feb. 13, 1810.]

Chap. 43.

An ACT to incorporate the Bible Society of Massachusetts.

Preamble.

WHEREAS the persons hereafter named in this Act, together with many other citizens of this Commonwealth, have formed themselves into a society for the purpose of raising a fund by voluntary contribution, to be appropriated in procuring bibles and testaments of the version in common use in the churches of New-England, for distribution among all persons inhabiting within the state and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without the aid of others. And whereas, in order that the pious and laudable objects of said society may be better carried into effect, and the charity of said society more extensively diffused, they have, by their committee, prayed for an act of incorporation.

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 William Phillips, Esq. the Rev. John Lathrop, D. D. Rev. Joseph Eckley, D. D. Rev. James Freeman, Rev. Elihalet Porter, D. D. Rev. Abiel Holmes, D. D. Rev. Thomas Baldwin, D. D. the Hon. William Brown, Francis Wright, Esq. Hon. Isaac Parker, Hon. Peter C. Brooks, John Tucker, Esq. Joseph Hurd, Esq. Mr. Joseph Sewall, Redford Webster, Samuel Parkman, Joseph May, and Henry Hill, Esqrs. the Rev. John Pierce, the Rev. Joseph S. Buckminster, and Mr. Samuel H. Walley, together with those who have associated, and who may hereafter associate with them, for the purposes aforesaid, be and they hereby are incorporated into a society, by the name of the Bible Society of Massachusetts.*

SECT. 2. *Be it further enacted, That the said William Phillips, and others above named, and their associates, shall be and remain a body corporate, by the said name and title, during the pleasure of the legislature, and may have a seal which they may alter at pleasure; and the said society shall be capable of taking, and receiving from any persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands and tenements in fee simple or otherwise, and donations, bequests, and subscriptions of money or other property, to be used and improved for the purposes aforesaid.*

SECT. 3. *Be it further enacted, That the said corporation shall be, and hereby are empowered to purchase and hold any real*

Persons incor-
porated.

Powers and
privileges.

estate other than that which may be given as aforesaid : *Provided*, the whole value of the estate, real or personal, of said society, shall not exceed the sum of one hundred thousand dollars.

SECT. 4. *Be it further enacted*, That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits with power of substitution. May sue and be sued.

SECT. 5. *Be it further enacted*, That said society may choose a president, vice-president, treasurer, secretaries, trustees, and such other officers as they shall see fit ; and may make and establish such rules and regulations as to them shall appear necessary : *Provided*, the same be not repugnant to the laws or constitution of this Commonwealth. Officers.

SECT. 6. *Be it further enacted*, That William Phillips, Esq. be and he hereby is authorized by notification in any two of the newspapers printed in Boston, to appoint the time and place of the first meeting of said society, at which meeting the said society may appoint the time and place of their annual and other meetings, and the manner of notifying the same ; may choose the officers aforesaid, may prescribe their duty. and may vest in the trustees, the number of which may be determined by the said society, but shall not exceed thirty, such powers, conformable to the principles of this institution, as shall be deemed necessary. [*Feb. 15, 1810.*]

An ACT for the better security of the town of Charlestown against fire.

Chap. 44.

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 August next, no public buildings of any kind whatsoever, shall be erected or built in the town of Charlestown within the neck, (so called) from the bridge over the canal, thence to Medford river, by the nearest course one way, and from the same bridge by the mill pond the other way, unless all the external sides, and ends thereof, shall be built or composed of brick or stone, except so much as shall be necessary for doors and windows. And that all other buildings, of any kind whatsoever, hereafter erected, more than twelve feet high from the ground to the highest point of the roof thereof, shall have one of the largest sides, or two ends thereof built of brick or stone, except so much as shall be necessary for doors and windows ; when the house or other buildings shall stand with the end to the street, the backs shall be built of brick or stone to the plate ; when the front stands to the street, the ends shall be of brick or stone, and shall rise in battlements at least three feet above the roof, and no brick or stone wall shall be deemed sufficient within the meaning of this Act, unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story. And all double houses, viz. where two houses join together, shall have a partition wall, which shall be built of brick or stone at least twelve inches thick, and shall rise in battlements at least three feet above the roof. And every house shall be provided with a scuttle through the roof, and a conveyance to and through

No wooden buildings to be erected within certain limits.

Other restrictions.

Proviso.

the same and a safe railing on the roof of the house; and all additions which shall be made on the ground to buildings already erected, shall be considered within the restrictions and regulations of this Act: *Provided nevertheless*, that upon any wharf, marsh or other place, where no sufficient foundation for walls of brick or stone, can be obtained without unreasonable expense, upon permission of the selectmen, wooden buildings may be erected: *Provided*, all the external sides thereof shall be covered with lime-mortar, or some incombustible composition.

Penalty for a breach of this act.

SECT. 2. *Be it further enacted*, That every person who shall erect, or add to, or cause to be erected or added to any building in said town of Charlestown within the limits aforesaid, contrary to the true intent and meaning or against the provisions of this Act, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred dollars, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court in the county of Middlesex, which it shall be the duty of the Attorney General and Solicitor General to file, in all cases which may come to their knowledge respectively, or by indictment before said court.

Assessments on buildings not conformable to this act.

SECT. 3. *Be it further enacted*, That in addition to the fine above mentioned, there shall be laid and assessed upon every house or other building which shall be erected contrary to the provisions of this act, the sum of fifty dollars annually, and it shall be the duty of the selectmen of said town of Charlestown, to return to the assessors of said town annually a list of all such houses or other buildings erected against the provisions of this act, with attested copies of the record of the conviction of the person or persons who erected the same, before the Supreme Judicial Court, and thereupon it shall be the duty of the said assessors to assess upon the owner or owners of such building or buildings for the time being, the sum of fifty dollars, in addition to his, her, or their taxes, which shall be recovered in the same way and manner as other taxes are or shall be collected, and the same remedy is hereby given to the collector or collectors of taxes for the recovery thereof: *Provided nevertheless*, That no such building or buildings shall be subject to such annual tax, until an attested copy of such conviction shall have been duly recorded in the office of the register of deeds for the county of Middlesex, whose duty it shall be to receive and record the same.

Proviso.

Kettles, &c. to be secured.

SECT. 4. *Be it further enacted*, That every kettle, boiler or copper for the use of any caulker, graver, ship-carpenter, tallow-chandler, soap-boiler, painter, chemist, druggist, or other like artificer, shall be so fixed in brick or stone laid in mortar, as to prevent all communication between the fire, and the substance or substances boiled: *Provided nevertheless*, That no person who may make soap for his or her family use only shall be considered a soap boiler within the intent and meaning of this act.

Proviso.

No person to carry fire, candles or lamps in streets, &c.

SECT. 5. *Be it further enacted*, That every person who shall carry any fire through any street or lane, or over any wharf

in said town, except in some covered incombustible vessel, or who shall enter any barn or stable, or any other place of danger with a lighted candle or lamp unless in a secure lantern, or shall enter such barn or stable or other place of danger with a lighted pipe or segar, shall forfeit and pay for each and every offence the sum of two dollars, to be recovered of the person so offending, or of his or her parent, guardian, master or mistress, before any justice of the peace for the county of Middlesex, upon complaint made upon oath. Penalty.

SECT. 6. *Be it further enacted*, That if any person shall have in his or her possession in any rope-walk within said town, any lighted pipe, or segar, candle or lamp, or any fire, except what may be necessary to boil the tar, for the use of said rope-walk, the which fire shall be secured as herein before provided, he or they shall forfeit and pay for each offence a sum not exceeding fifty dollars nor less than five dollars, to be recovered in any court proper to try the same. Penalty for carrying fire into any rope-walk.

SECT. 7. *Be it further enacted*, That it shall be the duty of each and every selectman in the said town of Charlestown, and they and each of them are hereby required to enquire after and give information to the Attorney General or Solicitor General of all offences which may be committed against the true intent and meaning of this act, cognizable before the Supreme Judicial Court, and to some Justice of the Peace for all offences committed against this act, and cognizable by a Justice of the Peace. Selectmen to complain of offences against this act.

SECT. 8. *Be it further enacted*, That all the fines, penalties and assessments which shall be recovered by force of this act, shall accrue and enure, one half to the complainant, and the other half to the poor of the town of Charlestown, to be paid to the overseers thereof. [*Feb.* 15, 1810.] Add. act—1821 ch. 49. Appropriation of fines and assessments.

An ACT to set off a part of the town of Hubbardston, in the county of Worcester, and to annex the same to the town of Princeton. Chap. 47.

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 part of the town of Hubbardston, together with the inhabitants thereon, as described within the following bounds, be and are hereby annexed to, and made a part of the town of Princeton, viz. beginning at a pine stump, the southeasterly corner of said Hubbardston, thence north forty-one degrees west, two hundred seventy eight rods, to a stake and stones; thence south fifty seven degrees west two hundred and eighty rods, to a stake and stones; thence south forty one degrees east, two hundred and seventy eight rods, to a stake and stones on Princeton line; thence on said line two hundred and eighty rods to the bound first mentioned; and the said inhabitants, hereby annexed to the town of Princeton, shall be entitled to all the privileges, and subject to the same duties and requisitions, as the other inhabitants of said town, according to the constitution and laws of this Commonwealth, and in as ample manner as if they had been originally a part of the town of Princeton. Part of Hubbardston annexed to Princeton.

SECT. 2. *And be it further enacted*, That the inhabitants of the said part of the town of Hubbardston, by this act annexed to the said town of Princeton, shall be holden to pay all taxes legally assessed upon them in said town of Hubbardston, and also their proportion of all debts due from the town of Hubbardston, previous to the passing of this act. [Feb. 16, 1810.]

Chap. 48. An ACT to ascertain and establish the line between the towns of Chesterfield, Goshen, and Williamsburgh, 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 Chesterfield, Goshen, and Williamsburgh, shall hereafter be as follows, viz. Beginning at a beech tree, marked H. F. and G. F. standing about fifteen rods south of the house where Samuel Mott formerly lived, in said Goshen, running southerly in a line, called and known by the name of the Hubbard line, to a beech staddle, standing in the north line of Northampton, marked N. H. H. E. C. E. with a number of other letters. [Feb. 16, 1810.]

Chap. 49. An ACT to authorize the sale of Parsonage Lands in the South Parish in the town of Andover, in the county of Essex, to raise a fund for the support of the Gospel Ministry, in said Parish, and to appoint Trustees for the management thereof,

Preamble.

WHEREAS the inhabitants of the south parish in the town of Andover, have petitioned this court for liberty to sell their parsonage or ministerial lands, for the purpose of raising a fund for the support of the ministry :

Trustees.

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 Farrar, Joshua Chandler, Benjamin Jenkins, Daniel Cummings, Jacob Osgood, David Abbott, and Simeon Furbush, be, and they hereby are appointed trustees to manage such funds as shall be raised and appropriated to the use aforesaid, in and for the said parish; and for that purpose they are hereby constituted a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the South Parish in Andover; and they and their successors, to be chosen and appointed in the manner hereinafter prescribed, 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 clerk, who shall be sworn to the faithful performance of the duties of his office; and a treasurer, who shall give bond in such sum as the said trustees shall deem adequate, with sufficient surety or sureties, faithfully to account for the monies, and all other property he may receive by virtue of this act.

Made a corporate body.

Powers and privileges.

Clerk and Treasurer.

Certain property vested in the Trustees.

SECT. 2. *Be it further enacted*, That the real estate belonging to said parish appropriated for the support of the ministry thereof, and the proceeds of the sale of any bark or timber, and money now in the hands of the treasurer of said parish,

received as damages awarded by the Court of Sessions, on account of a public road passing through said lands, 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 treasurer, by direction of said trustees, with their seal thereto affixed, and by him 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 in any sale as aforesaid, the approbation of the said parish shall be first expressed at a legal meeting, duly convened for that purpose, or by a committee for that purpose, by the said parish appointed. Proviso.

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 the inhabitants of said parish may, at any lawful meeting, duly warned and called for that purpose, remove any of said trustees from their said office; and whenever any vacancy shall happen in said board of trustees, either by death, resignation or removal, the said parish, at any parish meeting legally warned for that purpose, shall fill said vacancy within one year after it shall happen; and if the said parish neglect so to do, within that time, then the said trustees, by a major vote, shall have power to fill such vacancy; and the said trustees shall annually hold a meeting in March or April, and as much oftener as necessary, to transact their business. Trustees may be removed.

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, purchase, and exchange, 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 one sixth part of the net yearly income or interest of said fund and estate, shall by said trustees be annually added to the principal fund to increase the same forever: *Provided*, It shall not increase beyond the limits above prescribed; and the remaining five sixths of the said interest or annual income shall be annually paid to the regularly settled and ordained minister or ministers of said parish, in such manner as said parish may direct; unless the said parish, at a legal meeting for that purpose, duly assembled, shall direct the whole of said income, or any part thereof, more than one sixth, to be put at interest for the increase of the fund; and such proceeds of said fund, whenever the same shall be so paid to said minister or ministers, shall be deemed to be in satisfaction of his or their salary, for the time being, so far as the same will apply to the discharge thereof; and during any vacancy in the said parish of a regularly ordained and settled minister, such Manner of filling vacancies.

Gifts, &c. made valid.

Proviso.

part of the said income or interest, as would by the provisions of this act be applied to his use, shall be appropriated to the increase of the principal fund, any thing herein to the contrary notwithstanding.

Fund, how ap-
propriated,

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 or ministers in said parish, and the principal thereof shall never in any part be expended, but always kept entire, and one sixth of the income shall be annually added to the principal in manner aforesaid; and the said trustees or their officers, agents, or attornies, for the services they may perform, shall be entitled to no compensation out of any monies arising from the funds aforesaid; but, if entitled to any, shall have and receive the same of said parish, as may be annually agreed upon.

SECT. 6. *Be it further enacted*, That the said trustees shall cause to be recorded and kept in their book of record, by their clerk or treasurer, a statement of the funds and estate in their hands, wherein shall be particularly designated the amount arising from the sales of the parsonage lands, the nature and amount of every grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances, as they may think useful, and proper to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statements to the inhabitants of said parish at their meeting in the month of March or April annually, where the same shall be publicly read; or to a select committee, if said parish shall choose one for that purpose, together with a specific estimate of what estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured; what receipts have been obtained, and what payments made by them the preceding year.

And enlarged.

SECT. 7. *Be it further enacted*, That the said trustees shall always loan upon interest, all the money belonging to said fund, in sums of not less than two hundred dollars each, except from necessity when they have not so large a sum at their disposal, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate, situated either in the county of Essex, Suffolk, or Middlesex, of three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually till paid: *Provided however*, That where any of the aforesaid parsonage land shall be sold upon a credit, and with the expectation that improvements will be immediately made upon it, it shall be sufficient to have a mortgage of the estate sold, with an approved surety with the principal; 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 treasurer to cause such bond or note and mortgage to be put in suit, and prosecuted until it shall be obtained.

Proviso,

SECT. 8. *Be it further enacted,* That it shall be the duty of said trustees to use and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss, waste, or diminution; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estate, for such negligence or misconduct, and recover adequate damages therefor; and any sum, so recovered shall be for the benefit of said fund, and shall be paid accordingly.

SECT. 9. *Be it further enacted,* That Joshua Chandler, Esq. be and he 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. [Feb. 16, 1810.]

An ACT to incorporate the Trustees of the Ministerial Fund in Woburn.

Chap. 53.

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 Franklin Baldwin, William Jones, Bartholomew Richardson, jun. Jacob Peirce, and Daniel Wyman, be, and they are hereby constituted a body politic and corporate by the name of The Trustees of Woburn Ministerial Fund; and they and their successors shall be and continue a body politic and corporate by that name forever; and they may have a common seal, which they may alter or change at pleasure; and by that name they may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution.

Trustees incorporated.

SECT. 2. *Be it further enacted,* That the said corporation shall and may annually elect a president, and a clerk to record the doings and transactions of the trustees at their meetings, and a treasurer to receive and apply the monies herein after mentioned, as herein after directed, and any other needful officers for the better managing of their business.

SECT. 3. *Be it further enacted,* That the number of trustees shall not, at any one time, be more than seven nor less than five, and four of them may constitute a quorum for transacting business; and the town, or congregational society, as the case may be, at a meeting legally warned for that purpose, shall and may, from time to time, fill up any vacancies in their number, which may happen by death, resignation or otherwise, and may also remove any of their number who may become unfit or incapable from age, infirmity, misconduct, or any other cause, to discharge their duty, and to supply any vacancy so made, within twenty days after it shall happen, by a new choice, from the members of the congregational society in Woburn; and in case said town or society neglect so to do within that time, then said trustees, by a major vote, shall have pow-

Four trustees may transact business.

Powers.

er to fill up such vacancy from the society aforesaid, saving to the legislature a right, at any future time, to make such further provisions, relative to the filling up all vacancies which may happen in said board, as they may think proper; and said trustees shall annually hold a meeting in the month of January, and as much oftener as may be necessary, to transact their business; which meetings, after the first, shall be called in such manner as the trustees may direct.

Clerk, his power and duty.

SECT. 4. *Be it further enacted*, That the clerk of said corporation shall be a member thereof, and shall be sworn in the same manner as town officers, to the faithful performance of the duties of his office; and he shall have the care and custody of all papers and documents belonging to said trustees, and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereto required, and he shall call meetings when thereto directed by any one or more of said trustees, and do whatever else may be incident to his said office; and he shall deliver up to his successor in office, as soon as may be, all the records, papers, and documents in his hands, in good order and condition; and if he shall neglect so to do for the space of thirty days, next after such successor shall be duly appointed, he shall forfeit and pay to said corporation a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Penalty.

Power and duty of the treasurer.

SECT. 5. *Be it further enacted*, That the treasurer of said trustees shall be the receiver of all monies 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 all the 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, together with a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done; and shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property in his hands, in good order and condition, and shall give bond to the said trustees and their successors, with sufficient sureties, to be approved by them, in a sum not less than five thousand dollars, conditioned to do and perform all the duties incumbent on him as their treasurer; and if he shall fail to deliver up the same, as aforesaid, for the space of thirty days next after such successors shall be duly chosen, he shall forfeit and pay to said corporation a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Penalty.

Fund, how raised and regulated.

SECT. 6. *Be it further enacted*, That the said trustees and their successors in office be, and they hereby are vested with full power to receive into their hands all monies, or security for money, already received, and that now is or hereafter may be in the hands of the treasurer of the town of Woburn, being

a surplus of money obtained by the late sale of the pews in the new congregational meeting house in said town, over and above the cost of said house, and all other monies, subscriptions, donations, and security for real or personal estate that may hereafter be given, raised or subscribed, and appropriate the same according to the intention and direction of the donor or donors within the provisions of this act: *Provided however*, That said trustees shall not at any time be in possession of a capital, the annual income of which, to said society, shall exceed the sum of two thousand dollars. Proviso.

SECT. 7. *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 this act, with care and vigilance, so as best to promote the design thereof; and shall always loan upon interest all the money belonging to said funds, in such sums, and for such term of time, not exceeding one year, as they shall think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof; and they shall not at any time loan any sum exceeding the amount of one hundred dollars, without a mortgage on real estate to three times the amount loaned, as collateral security for the payment of the same, with interest annually; and it shall be the duty of said trustees to loan the interest arising from said fund in manner as aforesaid, until the annual interest of the whole funds amount to the sum of two hundred dollars, then it shall be their duty to apply the same towards the salary of the ordained minister of said congregation; and it shall be considered as part payment thereof; and in case said society shall be destitute of an ordained minister, then the annual interest aforesaid shall be put out at interest and secured as aforesaid to increase the said fund, until a minister shall be settled again, and in case the whole of the annual income should be more than sufficient to pay the salary of the minister for the time being, agreeable to the contract with him, then the surplus shall be added to the principal, until the income shall amount to one thousand dollars yearly, unless said town or society, as the case may be, at a legal meeting called for that purpose, shall otherwise appropriate the same, which they are authorized to do, but never to alienate, or in any wise alter the fund aforesaid. Monies to be loaned at interest.

SECT. 8. *Be it further enacted*, That the trustees may alienate by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law. Trustees may alienate lands by deed.

SECT. 9. *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 of said town or congregational society, as the case may be, and as may be mutually agreed on. No compensation for services to be taken from the fund.

SECT. 10. *Be it further enacted*, That said trustees and their successors shall, each year, in the month of March or April, at the annual meeting of said town or congregational so- Accounts of trustees to be exhibited.

ciety, as the case may be, or oftener if said town or congregational society shall require it, exhibit a fair statement of their proceedings, and of the state of the funds under their management, and are hereby severally made amenable and liable in law to answer to said town or society, out of their own estates for any embezzlement, neglect or wilful mismanagement of said fund.

SECT. 11. *Be it further enacted*, That Benjamin Franklin Baldwin, be, and he hereby is authorized and empowered to fix the time and place for holding the first meeting of said trustees, and notify each trustee thereof. [Feb. 24, 1810.]

Chap. 54.

An Act to incorporate certain persons by the name of The Proprietors of the Newburyport Athenæum.

Preamble.

WHEREAS the persons herein after named, together with sundry other persons, have associated for the laudable purpose of promoting learning and diffusing useful knowledge by establishing a repository for valuable and rare productions in the various arts and sciences, and polite literature, and for collecting the most important tracts, pamphlets, and documents, illustrative of the natural and civil history of our country, of the genius, policy, and laws of the general and state governments, and of the manners, customs, and interests of the American people; and whereas in pursuance of their design, they have at considerable pains and expense collected many valuable works, with a great variety of important tracts, pamphlets and documents, to which they intend to make additions from time to time as they may have ability and opportunity, and whereas the object of their association is of public utility as well as of great advantage to those more immediately interested therein, and ought therefore to be encouraged. Therefore,

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 John Andrews, Edward Little, William Woart, William Bartlett, James Morse, Jeremiah Nelson, Daniel A. White, Thomas Cary, Samuel L. Knapp, Joseph Dana, Daniel Dana, Stephen Howard, and Nathaniel Bradstreet, the present trustees of said association, together with their associates and such other person or persons as shall from time to time be 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 by-laws or regulations of the corporation, be and they are hereby created a body politic and corporate and shall forever hereafter continue a body politic and corporate, by the name of The Proprietors of the Newburyport 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 and elsewhere, in all manner of actions, suits, pleas, and controversies whatsoever, and in their said corporate capacity and by their said name, they and their successors shall be capable 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 one thousand dollars, exclusive of the

Powers and privileges.

building or buildings which may be actually occupied or used for the purpose 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 two thousand dollars, so as that the estate aforesaid be appropriated for the purposes aforesaid, and for the promotion of learning and useful knowledge ; 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.

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 power as they shall judge expedient, and also further to ordain and enact any by-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 the said officers and said by-laws, shall not be repugnant to the constitution and laws of this Commonwealth.

Proviso.

SECT. 4. *Be it further enacted*, That for the giving the more effectual sanction to the said by-laws, the said proprietors shall have power to impose suitable fines, not exceeding three dollars, for the nonfulfilment 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.

SECT. 5. *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 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.

Corporation to be subject to the control of the Legislature.

SECT. 6. *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 proprie-

Treasurer may sell shares of delinquent proprietors.

tor, after duly notifying in some newspaper printed in the town of Newburyport, 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 such 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.

First meeting.

SECT. 7. *Be it further enacted*, That the said John Andrews, Edward Little, William Woart, William Bartlett, James Morse, Jeremiah Nelson, Daniel A. White, Thomas Cary, Samuel L. Knapp, Joseph Dana, Daniel Dana, Stephen Howard, and Nathaniel Bradstreet, 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 newspaper printed in the town of Newburyport, and that at the said meeting the said proprietors may proceed to execute any or all the powers vested in them by this Act.

Liable in private capacity.

SECT. 8. *Be it further enacted*, That the trustees and proprietors of the corporation aforesaid be, and they hereby are made jointly and severally liable in their respective persons and estates on all contracts and engagements, which shall be made and entered into, by virtue of the powers vested by this Act in the said corporation, or in any officer of the same. [Feb. 24, 1810.]

Chap. 56.
1804 ch. 128.
(V. 3, p. 566.)

An ACT in addition to an Act, entitled, "An Act to establish a corporation, by the name of The Brush-Hill 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 from and after the passing of this Act, the Brush-Hill Turnpike Corporation shall not be entitled to demand or receive any Toll from any person or persons who may be passing in any manner whatsoever for the purpose of discharging military duty, or to, or from, his, her, or their usual places of public worship, or to, or from, any grist mill, or on the common and ordinary business of family concerns; nor from any person or persons residing within the limits of the town in which a Toll gate may be erected, unless going or returning with loaded teams or carriages from beyond the limits of the same.

Corporation not entitled to receive toll in certain cases.

Proviso repealed.

SECT. 2. *Be it further enacted*, That the first Proviso, in the fourth section of the Act, entitled, "An Act to establish a corporation by the name of the Brush-Hill Turnpike Corporation," be, and the same is hereby repealed. [Feb. 24, 1810.]

Chap. 59.

An ACT to incorporate Timothy Burbank and others, by the name of The Agawam 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 Timothy Burbank, Gad Warriner, John Porter, John Norman, Elnathan Baldwin, and Amos Worthington, 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 Agawam Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing cotton, woollen and linen in the south part of the town of West-Springfield; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incor-
porated.Powers and
privileges.

1808 ch. 65.

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 in the south part of West-Springfield aforesaid. [Feb. 24, 1810.] Name altered by 1811 ch. 17.

An ACT to incorporate the District of Orange, in the county of Hampshire, as a town, by the name of Orange.

Chap. 60.

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 Orange, in the county of Hampshire, with the inhabitants thereof, be, and the same hereby is incorporated and established as a town, by the name of Orange, and is hereby vested with all the powers and privileges, and subjected to the like duties and requirements, of other towns, according to the constitution and laws of this Commonwealth. [Feb. 24, 1810.]

Orange incor-
porated.

An ACT to incorporate the Second Precinct in Plymouth.

Chap. 61.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a distinct and separate precinct, by the name of The Second Precinct in Plymouth, viz. beginning at Elisha's Point, so called, on the northerly side of Elisha Holmes's land, and running westerly, as said line runs, to Ponds road, so called, and from said road, on a straight line, to the north end of Half-Way Pond, and by said pond to the brook issuing therefrom; and by the said brook, to Wareham line; and on said Wareham line, eastward to Sandwich line, and by said Sandwich line to the sea shore, and by the said shore, to the bounds first mentioned. And the said Second Precinct is hereby vested with all the powers and privileges which are usually held, exercised and enjoyed, by parishes, precincts, or other religious societies, according to the constitution and laws of this Commonwealth. And all the acts and proceedings of the said

Plymouth Se-
cond Precinct
incorporated.

parish heretofore made and done, in pursuance of the consent and votes of the said town of Plymouth, be, and they are hereby confirmed, and rendered valid in law. And any justice of the peace, in the said town of Plymouth, is hereby authorized to issue his warrant, directed to some inhabitant of the said Second Precinct, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in said warrant to organize the said precinct, by the appointment or election of its officers. [Feb. 24, 1810.]

Chap. 63.

An ACT to empower the inhabitants of the Town of Plymouth to choose a Board of Health, and for removing and preventing nuisances 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 freeholders and other inhabitants of the town of Plymouth, qualified to vote for town officers, may, in the month of March or April annually, or at any other meeting legally called for the purpose, choose a Board of Health, consisting of five persons; the members of which board of health shall elect a president and a clerk, whose duty it shall be to record the votes and doings thereof; and in case of the death or resignation of any one of the members of said board, the said freeholders or other inhabitants may, at any meeting legally called for the purpose, elect a member to supply his place.

Town of Plymouth may choose a Board of Health.

Their duty.

SECT. 2. *Be it further enacted,* That it shall be the duty of the Board of Health, and each member thereof, to examine into all nuisances, and other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter houses, tan yards, fish, fish-houses, docks, necessaries, hogsties, putrid animal or vegetable substances, or any other cause of whatever kind, which in his or their opinion may be injurious to the health of the inhabitants as aforesaid; and upon complaint on oath being made to any justice of the peace, by any member of said Board of Health, or other person, that he suspects any of the nuisances, or causes aforesaid to exist, in any dwelling house, cellar, store or other building, ship or vessel, it shall be the duty of such justice of the peace to issue his warrant, directed to the sheriff of the county of Plymouth, or his deputies, or to any constable of the town of Plymouth, commanding him or them, forcibly to enter, and, together with a member of said Board of Health, to search the same in the day time, and upon the discovery of such nuisance, or other cause injurious to the health of the inhabitants, to remove the same: *Provided however,* That no sheriff or deputy sheriff, or constable, shall execute any civil process, either by arresting the body, or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service, shall be considered

Proviso.

as a trespasser, to all intents *ab initio*: And any person or persons who shall resist such search, shall forfeit and pay the sum of ten dollars, to be recovered in manner hereafter provided. And it shall be the duty of the Board of Health, upon the discovery of any such nuisance or other cause, injurious to the health of the inhabitants of said town, forthwith to remove the same: and upon complaint to any justice of the peace, within the said town, or in said county, made upon oath by one or more of said Board of Health, briefly therein stating the facts, together with the costs of such removal, such justice shall grant a warrant, therein expressing the substance of said complaint, directed to the sheriff of the county of Plymouth, or his deputy, or any constable of the town of Plymouth, commanding him to notify and require the person or persons, in whose possession, or upon whose estate, such nuisance or other cause aforesaid existed; or in case of his absence, his agent or attorney to appear forthwith before such justice; and if such person or persons shall neglect then and there to appear, or appearing, shall not shew good cause to the satisfaction of said justice, why judgment should not pass against him or them; the said justice shall then and there adjudge, that such person or persons shall pay a fine of ten dollars, and the costs of such removal, and double costs of prosecution; and shall thereupon issue his warrant, directed to the sheriff of the county of Plymouth, or his deputy, or any constable of the town of Plymouth, thereby commanding him to levy the expence of said removal, together with said fine and double costs, on the goods and estate, and for want thereof, on the body of the said occupier or proprietor of the house, land, cellar, docks, store, or vessel in which said nuisances existed; and said fine shall be paid over to the town treasurer, for the use of said town: *Provided always*, That any person or persons aggrieved at any judgment of a justice, passed against him or them as aforesaid, shall have a right to appeal therefrom to the Court of Common Pleas then next to be holden within and for the county of Plymouth, who shall hear and determine on such complaint, as the case may require, and thereupon render such judgment as the justice is herein before authorized to do in an original complaint to him, with additional costs; and the judgment of said Court thereon shall be final: *Provided nevertheless*, That no such appeal shall be granted, unless the respondent shall claim the same, on the day on which the justice's judgment shall be rendered; and shall enter into recognizance with two sufficient sureties to prosecute said appeal with effect. And said Board shall have authority to appoint scavengers, and such other officers to assist them in the execution of their office, as they shall judge necessary; for payment of whom, and all necessary expenses, which may arise in the exercise of their office, the said Board shall be authorized to draw upon the treasurer of said town.

Penalty for resisting search for nuisances.

Proviso.

Proviso.

SECT. 3. *Be it further enacted*, That any person who shall offer for sale in the town of Plymouth, or shall have in possession any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon

No putrid or tainted meat to be exposed.

Penalty.

conviction thereof, in manner aforesaid, shall forfeit the sum of two dollars for each barrel so offered for sale, or that he shall have in possession; and it shall be the duty of every licensed packer of provisions and pickled fish, to give information to the Board of Health, or some one of them, of any such meat or fish that shall come to his knowledge; and shall moreover be sworn before the president of the Board of Health, or some one of said Board, to give such information before he shall execute that trust, after said Board of Health shall have been chosen; and the said president and members are hereby severally authorized to administer said oath: and if any packer of provisions shall repack any meat or fish that shall be unwholesome, or not fit for use, and be thereof convicted before any court competent to try the same, he shall forfeit two dollars for each barrel so repacked, and shall forever be disqualified for serving again in that capacity; and no provisions shall be repacked in the said town of Plymouth, between the first day of June, and the first day of October, in any year, unless in such place or places therein, where permission therefor shall be obtained in writing, from the Board of Health; and any person or persons who shall repack any provisions within the times aforesaid, in the said town of Plymouth, in any place or places where permission therefor in writing hath not been first obtained of said Board of Health, shall forfeit the sum of two dollars, for each barrel so repacked.

No creatures to be killed in the town.

SECT. 4. *Be it further enacted*, That no person or persons, without first obtaining permission therefor from the Board of Health, or two members thereof, shall kill any sheep or lambs, or expose to sale within said town, between the first day of July and the twentieth day of September, in any year the meat of any sheep or lambs, which shall have been killed within two days after such sheep or lambs shall have been driven into said town; and every person who, without having first obtained such permission, shall within the times aforesaid, kill any sheep or lambs within said town, within two days after such sheep or lambs shall have been driven into the same, or shall expose or offer for sale within said town, the meat of any sheep or lambs which shall have been so killed, shall forfeit and pay for each offence fifteen dollars; and the meat of every sheep or lamb so killed, shall be forfeited; and the said Board of Health, or any two of them, may, and it shall be their duty, to seize and remove the same, and dispose thereof, so as that the health of the inhabitants may not be endangered thereby; and in any action or prosecution against the members of said Board of Health, or either of them, for seizing any meat of sheep or lambs by virtue of this act, the plaintiff or prosecutor shall be held to prove that such sheep or lambs were killed after the expiration of two days from the time the same were driven into the said town, or by permission of said Board of Health.

Penalty.

SECT. 5. *Be it further enacted*, That no untanned hides shall be stored or kept in the town of Plymouth aforesaid, between

No untanned hides to be stored.

the first day of May and the first day of December, except in such place or places as the Board of Health shall direct and appoint; and that all such hides, found in any other place or places in said town, within the times last mentioned, shall be forfeited, unless removed to such place as the Board of Health shall direct, without the limits of said town, by the owner thereof, within twenty four hours after notice given him by the said Board of Health, or any two of them; and such hides, so forfeited, shall and may be seized by any two of said Board of Health, and shall and may be libelled and tried in the same way and manner, and by the same process, as is provided for the trial of gunpowder seized according to law. And any person or persons, who shall throw upon the wharves or shores, or into any of the docks in the town, any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit and pay for each offence, a sum not less than two dollars nor more than ten dollars, at the discretion of the court which may have cognizance of such offence: that all masters of vessels who shall throw upon the wharves or shores, or into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of the vessel's hold, which may endanger the health of the inhabitants of said town, shall forfeit a sum not less than five dollars, nor more than fifty dollars, for each offence.

Penalty.

SECT. 6. *Be it further enacted*, That all the powers and duties which are given to, and required of the selectmen of the town of Plymouth, by a certain law of this Commonwealth, passed the twenty second day of June, one thousand seven hundred and ninety seven, entitled, "An Act to prevent the spreading of contagious sickness;" and also one other law of said Commonwealth, passed the twenty-sixth day of February, eighteen hundred, entitled, "An Act in addition to an act entitled, An Act to prevent the spreading of contagious sickness," shall be, and they hereby are transferred to, and made the duty of the said Board of Health; any thing in said laws to the contrary, notwithstanding.

Selectmen's powers transferred.

1797 ch. 16.

1799 ch. 59.

SECT. 7. *Be it further enacted*, That the said Board of Health be, and hereby are empowered, from time to time, to choose a suitable and discreet person to act as a visiting physician to said Board, whose duty it shall be, to visit all vessels coming from any place or places in which the said Board shall think any contagious sickness prevails; and such physician shall be under the direction of said Board, and may be removed by them, whenever they shall see cause. And whereas, by the eleventh section of the act of this Commonwealth, entitled, "An Act to prevent the spreading of contagious sickness," it is enacted, That each town and district in this Commonwealth may, at their meeting held in March or April annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee in the manner, and for the purposes in said eleventh section mentioned.

Physician to the Board.

Part of former act repealed.

SECT. 8. *Be it further enacted,* That so much of said law, as respects the future appointment of a Health Committee for the town of Plymouth, be, and the same is hereby repealed; and that the Board of Health to be appointed by virtue of this act, be, and they hereby are made and shall be the Health Committee for the town of Plymouth, and be invested with all the powers and duties which are granted to, or imposed upon said Health Committee, in and by said act.

Penalties, how recovered and appropriated.

SECT. 9. *Be it further enacted,* That all penalties and forfeitures arising from this act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the town of Plymouth; and shall be prosecuted and recovered by the action of debt, in the name of the President of the said Board of Health, or by information in any court competent to try the same: and it shall be the duty of the Board of Health, and of each member thereof, to pursue and enforce the due execution of the foregoing law, and prosecute all offenders for all penalties and forfeitures which may accrue under the same. [*Feb.* 27, 1810.]

Chap. 64. Preamble.

An ACT to incorporate the Merrimack Bible Society.

WHEREAS the persons hereafter named in this act, together with many citizens of the town of Newburyport and its vicinity, have formed themselves into a society for the purpose of raising a fund to be appropriated in procuring bibles of the version in common use in the churches in New England, for distribution among those persons in this Commonwealth, and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without such aid, and also for the distribution of the bible in such other languages as may from time to time be considered expedient; and whereas in order that the pious and laudable objects of said society may be effectually promoted, and the charity of said society more extensively diffused, they have prayed for an act of incorporation.

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 William Coombs, Samuel Spring, John Andrews, Daniel Dana, Charles W. Milton, James Morss, James Whittemore, John S. Popkin, William Bartlett, Thomas M. Clark, Daniel A. White, John Pearson, Stephen Holland, Richard Pike, and William Woart, together with those who have associated or may hereafter associate with them for the purpose aforesaid, be, and they are hereby incorporated into a society by the name of the Merrimack Bible Society.

Corporation to be subject to the control of the Legislature.

SECT. 2. *Be it further enacted,* That the said William Coombs, and others above named, and their associates, shall be and remain a body politic and corporate during the pleasure of the Legislature, and may have a seal, which they may alter at pleasure; and the said society shall be capable of taking and receiving from any persons disposed to aid the benevolent purposes of this institution, grants or devises of lands and tenements, in fee simple or otherwise, also donations, be-

Powers and privileges.

quests, and subscriptions of money and other property, to be used and improved for the purposes aforesaid.

SECT. 3. *Be it further enacted*, That the said corporation shall be and they hereby are empowered to purchase and hold other real estate than that which may be given to them as aforesaid: *Provided*, That the value of the whole estates, real and personal, of said society, shall not exceed one hundred thousand dollars.

SECT. 4. *Be it further enacted*, That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits, with power of substitution.

SECT. 5. *Be it further enacted*, That said society may choose Officers. a president, vice-president, treasurer, secretaries, managers, and such other officers as they shall see fit. and may make and establish such rules and regulations as to them shall appear necessary: *Provided*, The same be not repugnant to the constitution and laws of this Commonwealth.

SECT. 6. *Be it further enacted*, That William Coombs, Esq. First meeting. be, and he hereby is authorized, by notification in the Newburyport Herald, to appoint the time and place of the first meeting of said society, at which meeting the said society may choose the officers aforesaid, may prescribe their duty, and may vest in the said officers such powers, conformable to the principles of this institution, as shall be deemed necessary. [Feb. 27, 1810.]

An ACT in addition to an Act, entitled, "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." Chap. 65. 1806 ch. 89.

WHEREAS the Union Marine and Fire Insurance Company, in Newburyport, have invested the capital stock of the said company, in the manner although not within the time prescribed in said act: Therefore, Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act of incorporation of said company be, and the same hereby is established and confirmed, notwithstanding any failure of compliance on the part of said company with the terms of said act, in the mode and time of collecting, and in the time of investing, the capital stock:—And that the rights and privileges of said company shall be, and continue to be, the same as they would have been, had the terms of said act been complied with: *Provided*, That nothing herein contained shall be construed to affect the liability or rights of said company, or the rights of any person or persons, who may have been injured by the failure of said company to comply with the terms of said act. [Feb. 27, 1810.] Add. act—1814. ch. 124. Charter confirmed. Proviso.

An ACT in further addition to an Act, entitled, "An Act to incorporate sundry persons into a company by the name of the Proprietors of the Exchange Coffee House." Chap. 66. 1807 ch. 31. 78.

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

Further powers
vested in the
Proprietors.

same, That the proprietors of the Exchange Coffee House, in their corporate capacity, shall be, and hereby are declared capable to purchase, have, hold, and possess all and singular the lands and buildings in Boston, adjoining or near to the Exchange Coffee House, of which the members of the said corporation, as proprietors in common, are now seized and possessed, and also of all or any part of the land lying between the north side of said Coffee House and State street in said Boston, which they may deem necessary or convenient for the accommodation of said building; and the same or any part thereof, to grant, sell, alien, lease, exchange, manage and improve in such mode, as they are, or may by law be authorized to do, with respect to the land described in the original act, to which this is in further addition.

SECT. 2. *Be it further enacted*, That the said corporation may, at any legal meeting, agree upon the number of shares into which the said estate shall be divided, 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 condition of transferring the same, which shares shall be held and considered as personal estate, in the same manner that shares in turnpikes, bridges, and canal companies are by law, held and considered; any thing in the act to which this is in further addition, to the contrary notwithstanding. [Feb. 27, 1810.]
Further act—1813 ch. 36.

Chap. 67.

An ACT to incorporate certain persons by the name of The Boston Hat 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 Thomas S. Bordman, Samuel Barry, Daniel Messenger, Elisha Vose, Jesse Brown, Matthias Crocker, William Barry, Henry Messenger, Thomas Hughes, Gerry Fairbanks, Charles Vose, Bradford Lincoln, Joshua Vose, Aaron Clap, William Bordman, jun. John Bordman, Caleb Hartshorn, Asa Croker, George Haven, Zab Adams, James Pratt, jun. Martin Bates, John H. Brown, Aaron Healey, Richard Hay, William King, Peter Dexter, and Nathaniel Fowle, with such 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 Boston Hat Manufactory, for the purpose of manufacturing hats at any place or places within ten miles of Boston, 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 third day of March, 1809, entitled "An Act defining the general powers and duties of manufacturing corporations."

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate not exceeding twenty thousand dollars, and of such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for the carrying on the manufacture of hats. [Feb. 27, 1810.]

Persons incor-
porated.

Powers and
privileges.

An ACT to authorize the Justices of the Court of Common Pleas for the county of Suffolk, to purchase Land and erect a New Court House thereon. Chap. 73.

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 for the county of Suffolk, be, and they hereby are authorized to purchase any lands situated between Court street and School street in the town of Boston, for said county, which they may deem necessary, for the purpose of erecting a court house thereon, and making proper avenues to and around the same; and also to exchange or make sale of any land or real estate situated as aforesaid, now belonging to said county, for the purpose aforesaid.

Court of common pleas empowered to purchase—

SECT. 2. *Be it further enacted,* That said Justices, be, and they hereby are authorized to raise by loan to said county, from any one or more individuals or bodies corporate, such sums of money as they find necessary, for the purpose of erecting and completing a court house for the accommodation of said county; and allow for the use of said sums, the lawful interest, until paid: *Provided however,* that the amount of said loan shall not exceed the sum or sums of money, which have been, or may be included, for the purpose aforesaid, in the several annual estimates of expenses for said county, and upon which the legislature have authorized, or may hereafter authorize a tax upon said county: and the Treasurer of said county is hereby authorized to subscribe and give his notes in behalf of said county, for such sums of money, as may be borrowed for the purposes aforesaid. [March 1, 1810.]

And to borrow money—

An ACT to incorporate sundry persons by the name of The Malden Nail Manufactory. Chap. 74.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Odiorne, Thomas Ordiorne and Ebenezer Odiorne, with such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and hereby are made a corporation by the name of The Malden Nail Manufactory, for the purpose of manufacturing nails, with the business necessarily connected therewith, and for such purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled, "An act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

SECT. 2. *Be it enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid. [March 1, 1810.]

Powers and privileges.

An ACT to set off certain land from the District of Bethlehem, and annex the same to the town of Becket. Chap. 76.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that tract of land, (lately a part of the District of Bethlehem) be, and the same hereby is, annexed to the town of Becket.

Lands annexed to Becket.

hem, but now incorporated with the town of Loudon) as described within the following bounds, with Moses Baird, and Kendall Baird, and their families and estates, be and hereby is set off from the said District of Bethlehem, now incorporated with Loudon, and annexed to the town of Becket, viz. Beginning at a stake and stones, being the northeast corner of said Bethlehem; thence running west, on the north line of said Bethlehem, to a pond known by the name of West Pond; thence southerly, on said pond, to the brook issuing out of said pond; thence southerly on said brook, to the south line of the first range of lots in said Bethlehem; thence east, on the line between the first and second range of lots, to the east line of said Bethlehem; and thence north, on said east line of Bethlehem, to the first mentioned corner: *Provided however*, That the several persons above named, with their estates, and all other owners of the above described lands, shall be holden to pay their proportion of all taxes which have been assessed on the said District of Bethlehem, in like manner as though this act had not passed. [March 1, 1810.]

Proviso.

Chap. 78.

AN ACT to establish The Derby Wharf Corporation.

WHEREAS Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. and Anstiss his wife, in her right, John Prince, jun. and Martha his wife, in her right, and Elizabeth Derby, own and hold in common and undivided a piece of land, flats and wharf, in Salem in the county of Essex, which was devised to them by their father Elias Hasket Derby, deceased, and is known by the name of "Derby Wharf;" and have expended and are continuing to expend large sums of money, in extending and enlarging said wharf, for the accommodation of the navigation of said town, and they have petitioned this Court to incorporate them, to enable them more conveniently to manage and improve the same estate:

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 Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. John Prince, jun. and Elizabeth Derby, and all such persons as have, or hereafter may 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 Derby Wharf Corporation; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any other place whatsoever; and shall and may do and suffer all acts, matters and things, which bodies politic ought to do and suffer; and shall have power to make and use a common seal, and the same again at pleasure to break, alter, and renew; and also to agree on the mode of calling future meetings, to ordain and 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-

Proprietors of Derby Warf incorporated.

Powers and privileges.

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. Proviso.

SECT. 2. *Be it further enacted*, That the said corporation shall be, and hereby is made and declared capable to have, hold, and possess the said land, wharf and flats called Derby Wharf, (excepting the stores thereon and the flats under and adjoining, which are now held in severalty by the persons before named, under the will of the said Elias Hasket Derby, Esquire, deceased, and the privileges and appurtenances thereof;) and also to purchase and hold any other lands and tenements, not exceeding the additional value of thirty thousand dollars, exclusive of the building thereon; and shall have power to erect any wharves or buildings on any real estates owned by said corporation; and any sea wall or other walls to protect and secure the same; and shall also have power to grant, sell, and alien, in fee simple, or otherwise, by deed under the seal of the corporation, and signed by the President thereof, the 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. Empowered to hold certain Lands.

SECT. 3. *Be it further enacted*, That the said proprietors may, at any legal meeting, agree upon the number of shares into which their corporate property shall be divided, not exceeding eighty four, and upon the form of certificates to be given to individuals, of the 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 erecting and repairing wharves, 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 shares of any delinquent proprietor, for the payment of such assessments, and to issue new certificates thereof, to the purchaser, in such way and manner, as said corporation may, by their rules and regulations, determine and agree upon. Property may be divided into shares.

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 incor- Liable to attachment.

porated companies," passed the eighth day of March, in the year of our Lord, one thousand eight hundred and five.

First Meeting. SECT. 5. *Be it further enacted,* That John Derby, Ezekiel Hersey Derby, and John Prince jun. 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 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, as well as on all other occasions, the votes shall be given by shares, allowing one vote to each share: *Provided only,* That no member shall have more than ten votes.

Corporation may not take land without legal conveyance.

SECT. 6. *Be it further enacted,* That nothing herein contained shall be deemed and 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 a legal conveyance thereof from such person or persons, to the said corporation.

Proceedings in case of attachment.

SECT. 7. *Be it further enacted,* That in any action to be brought, or in any judgment to be rendered against said corporation, if the said corporation, after seven days notice, and request to the president, secretary, or any two of the proprietors, shall neglect or refuse to expose any estate or property which may be attached on mesne process; or whereon any such execution may be levied, the plaintiff in such action shall have a right to levy his execution upon, or to attach any of the property of the individual members of the said corporation, in the same manner as if the action had been brought, or judgment entered against them, in their individual capacities. [*March 1, 1810.*]

Chap. 81.
1791 ch. 24.
(V. 1. p. 320.)

An ACT in alteration of an Act, entitled "An Act to establish and incorporate a religious society in the town of Easton, in the county of Bristol, by the name of the Congregational Parish in Easton.

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 fifth section of an Act passed the seventh day of February, in the year of our Lord, one thousand seven hundred and ninety-two, entitled "An Act to establish and incorporate a religious society in the town of Easton in the county of Bristol, by the name of the Congregational Society in Easton," as requires that the minister of the said parish for the time being shall be one of the trustees of the parish funds, be and the same is hereby repealed. [*March 1, 1810.*]

Chap. 85.

An ACT to incorporate Benjamin Johnson and others by the name of the Lynn Union Wharf Company.

Preamble.

WHEREAS Benjamin Johnson 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 owners being desirous of extending their said wharf for the purpose of better accommodating themselves with deeper water and more room for the landing of lumber and other articles; 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 Benjamin Johnson, Joseph Fuller, the third, Timothy Newhall, Ezra Collins, John Alley, jun. Oliver Fuller, Micajah Alley, the third, Micajah Burrell, Jonathan Connel, Timothy Alley, Solomon Alley, Benjamin Alley, the third, and John Mudge, of said Lynn, and all other persons who may hereafter become partners in said company, be and they are hereby made and constituted a body politic and corporate, by the name of the Lynn Union Wharf Company, and by that name may sue, and be sued, and do, suffer, and perform, all other acts and things, and have and possess all other powers, rights and privileges, incident by law to aggregate corporations.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the property of said corporation shall be divided into thirty shares, and said corporation shall have power, and is hereby authorized, when it shall judge necessary, to augment the number of shares to sixty, and to sell said additional shares at public auction, and the proceeds thereof shall be solely appropriated to the making of such additions to said wharf, as said corporation shall judge proper, and the expense of all further additions, alterations, and repairs, which may hereafter be made, shall be defrayed by a tax on the shares in said corporation, not exceeding twenty dollars on one single share, for additions, alterations, and repairs in any one year; and the shares aforesaid shall be numbered in progressive order, beginning at number one, and every original owner thereof shall have a certificate under the seal of said corporation, signed by the treasurer, certifying his property in said wharf; and any share or shares may be alienated by deed executed in common form and recorded by the clerk of said corporation, and any purchaser showing to the treasurer such deed, so recorded, and delivering up to him the former certificate shall receive a new one, certifying the property of such share or shares to be in such purchaser, who in every respect shall be a member of said corporation instead of the former proprietor.

Shares.

SECT. 3. *Be it further enacted,* That each member of said corporation shall have one vote for each share not exceeding six, and no member shall be allowed more than six votes, and each member may vote by proxy; and the assent of the proprietors of two thirds of the shares aforesaid shall be necessary for the choice of a clerk (who when chosen shall be sworn or affirmed to the faithful discharge of his duty by some Justice of the Peace of said county) and also for the choice of a treasurer and all other officers, and for the making of all by-laws, rules, and regulations whatever. *Provided nevertheless,* that the clerk, treasurer, and all the officers aforesaid, when necessary, may be chosen by a majority present, at any legal meeting for that purpose.

Manner of electing officers.

SECT. 4. *Be it further enacted,* That whenever any proprietor aforesaid shall neglect or refuse to pay any tax duly assessed, to the treasurer aforesaid, within forty days after the time set for the payment thereof, said treasurer shall sell at public ven-

Treasurer may sell shares of delinquents.

due the share or shares of such delinquent proprietor, one or more, as shall be sufficient to pay said taxes and all incidental charges, after duly notifying, in some newspaper, printed in Boston or Salem, the sum or sums due on said share or shares, and the time and place of sale, at least fourteen days previous to the time of sale, and such purchaser shall, on producing a certificate of such sale from the treasurer aforesaid, to said clerk, containing the name of such purchaser, and the number of the share or shares so sold as aforesaid, which certificate shall be recorded by said clerk, be considered in all respects whatever, the proprietor thereof, and the overplus, if any, shall be paid on demand, by the treasurer aforesaid, to the former proprietor.

Meeting of the proprietors.

SECT. 5. *Be it further enacted*, That the first meeting of said corporation shall be called by a warrant issued by any Justice of the Peace in said county, to whom application shall be made by any three of the present proprietors for that purpose, and such Justice is hereby authorized to issue his warrant accordingly, directed to some one of the said proprietors to call said meeting.

SECT. 6. *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 proper.

Individual property liable to attachment.

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. [March 3, 1810.]

Chap. 86.

An Act to authorize the raising of a fund for the support of public Schools in the town of Springfield.

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 Bliss, Jonathan Dwight, jun. Edward Pynchon, Moses Bliss, jun. and Solomon Warriner, be, and they hereby are constituted a body politic and corporate by the name of the trustees of the school funds in the town of 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, or mixed, and prosecute and defend the same to final judgment and execution; and the said trustees may 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 which he may receive by virtue of this Act.

Powers and privileges.

SECT. 2. *Be it further enacted*, That such of the lands belonging

to the said town of Springfield, as the said town has already directed, or may hereafter direct, to be sold for the use of schools in said town, or shall authorize the said trustees to hold or dispose of, and also the proceeds of any sale of lands appropriated by said town for the use of schools, be, and they hereby are-vested in said trustees and their successors, and the said trustees, are hereby authorized and empowered to sell and convey the whole or any part of such lands, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which subscribed by their president, by direction of said trustees, with their seal affixed, and by him duly acknowledged, shall be good and effectual in law to pass and convey all the right of said town in and to said land to the purchaser thereof, to all intents and purposes whatsoever.

Proceeds of the sale of certain lands vested in the trustees.

SECT. 3. *Be it further enacted,* That the number of trustees shall not at any time be more than seven, nor less than three : 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, from the inhabitants of said town, which may happen by death, resignation, removal, or otherwise, and shall have power to remove any of their number, who may from age, infirmity, or misconduct, become unfit to discharge their duty ; and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be necessary to transact their business : and Jacob Bliss, 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 and notified in such way and manner as the said trustees shall direct.

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 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 five thousand dollars, in trust for the maintenance and support of public schools in said town : and the monies arising from the sale of lands, already sold by said town, and appropriated for the support of schools, and also such monies as said trustees may receive and acquire in any other way, shall as soon as may be, be put at interest and the interest thereon accruing shall be put at interest and be so kept on interest as an accumulating fund, secured by sufficient mortgages of real estate, or by two or more sufficient sureties besides the principal debtor, until the interest annually arising on said funds shall at least amount to the sum of one hundred and twenty dollars, and if the said town shall authorize the same until said annual interest shall amount to two hundred dollars, and as soon as the interest annually accruing from said funds shall amount to the sum of one hundred and twenty dollars, or in case the said town shall authorize the retaining the same as aforesaid to the sum of two hundred dollars, the said trustees shall forthwith apply the said interest to the support of English schools in said town, and shall annually

Further powers.

pay the same to the treasurer of said town, for the time being, to be by him paid out for the benefit of English schools in such proportions to the several school districts as the said town shall direct other monies raised for the support of schools to be paid, and in case no other money shall be raised therefor, to be distributed as the said town shall direct, among the said school districts.

SECT. 5. *Be it further enacted,* That the said fund shall always be holden and deemed to be unalienable, and shall no part thereof be used or applied to any other purpose than the support of schools in said town: 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.

SECT. 6. *Be it 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 said trustees shall be personally answerable to the inhabitants of said town 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 on the case against the proper person of such trustee, and his goods and estate for such negligence or misconduct, and recover adequate damages therefor, and such damages so recovered shall be for the benefit of said fund, and shall be paid and appropriated accordingly.

SECT. 7. *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 corporation shall not, within three months after such final 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 three, to remain unfilled for more than three months, it shall be lawful for the said town to fill such vacancy.

SECT. 8. *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 said town, at their annual meeting for the choice of town officers. [March 3, 1810.]

Chap. 87.

An ACT to establish a corporation, by the name of the Boston Neck 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 William Payne, Isaac P. Davis, and George Cabot, together with such other persons, as shall hereafter associate with them, shall be a corporation and a body politic, by the name of the Boston Neck Turnpike Corporation, for the purpose of laying out and making a turnpike road, from that part of Boston Neck where Lenox street intersects Suffolk street to the angle of the old road, westerly of Wait's mills in Roxbury, and

Fund to be unalienable.

Delinquent trustee.

Persons incorporated.

Powers and privileges.

for keeping the same in repair, 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. 1804 ch. 125.

SECT. 2. *Be it further enacted*, That when the road aforesaid shall be laid out, made, and completed, and shall be approved by the Court of Common Pleas for the county of Suffolk, the said corporation shall have power to erect one gate thereon, at such place as the said court shall order, and shall be entitled to receive toll thereat, any thing in the Acts aforesaid to the contrary notwithstanding. [March 3, 1810.]

An ACT to establish a corporation by the name of The Worcester and Sutton Turnpike Corporation. Chap. 88.

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 Holman, Samuel Waters, Reuben Waters, Joshua Waters, Artemas Bullard, Silvanus Prat, Nehemiah Davis, Charles Putnam, Amos Rich, Samuel Rich, Benjamin Wallis, jun. Benjamin Wallis, 3d, David Wallis, Peter Wallis, and Pliny Earle, together with such others as may hereafter associate with them, be, and they are hereby made a corporation, by the name of The Worcester and Sutton Turnpike Corporation, for the purpose of making and keeping in repair, a turnpike road, beginning near the dwelling house of Samuel Rich, in Sutton, and from thence passing near the dwelling house of Samuel Waters, in the best direction, to the farm of Jonathan Holman, in the north parish of said Sutton, or as near thereby, as shall be found most eligible, for the public accommodation, and from thence to meet the county road leading from Worcester to Sutton, and near the dwelling house of Joseph Goddard in Worcester; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and disabilities, prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, eighteen hundred and five, and any acts, which have been made in addition thereto: *Provided however*, That in case there should be any obstruction from buildings, or other causes, which may prevent a straight line, the committee which shall be appointed to lay out said road, shall in such case, have power so to vary the line, as to avoid such obstructions: *Provided*, That the said road, shall be not less than three rods wide in any part thereof, where such obstructions may be, and not less than four rods wide in all other places. [March 3, 1810.]

Persons incorporated.
Powers and privileges.
1804 ch. 125.
Proviso.

An ACT to incorporate sundry persons, by the name of The Trustees of Donations to the Protestant Episcopal Church. Chap. 91.

WHEREAS in behalf of certain religious societies, associated by the name of The Convention of the Protestant Episco- Preamble.

pal Church in this Commonwealth, and comprehended in the association of the said church in the United States of America, it is represented, that donations to a considerable amount have been made, and others are intended, providing for the support of the pastoral office of a Bishop in the said church, and directed to other purposes respecting their religious institutions and public worship; and it is prayed that trustees may be incorporated, and enabled to receive and to hold in succession, and to manage and improve all such donations to the pious uses and purposes aforesaid. 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 Thomas C. Amory, Adam Babcock, Shubael Bell, David Cobb, Andrew Craigie, Asa Eaton, John S. J. Gardiner, Benjamin Greene, Stephen Higginson, James Ivers, William Montague, Edward Rand, Samuel Sewall, Samuel Smith, and Dudley A. Tyng, and their successors, be and they hereby are incorporated and made a body politic and corporate, by the name of The Trustees of Donations to the Protestant Episcopal Church; and by that name may sue and be sued, and shall have and use a common seal, to be by them devised, altered, and renewed, at their pleasure; and shall have authority to hold meetings, upon due notice thereof, and therein to establish all reasonable orders and by-laws, for the better government of the said corporation, not repugnant to the laws of this Commonwealth; and by said orders and by-laws, the officers to be appointed in the said corporation, and employed in their affairs, and the manner of electing them; with their several duties and compensations, shall be determined and specified; and at such meetings the said corporation shall direct, from time to time, the management, improvement, and disposition of the donations and property, with which they shall be entrusted, and the execution and performance of the trusts and appropriations therein appointed.

SECT. 2. *Be it further enacted,* That the said trustees, for the time being, shall have authority, at any meeting to be called for that purpose, to nominate and appoint other trustees, and to remove any trustee:

Provided, That there shall not be in the said corporation, at any one time, a greater number than fifteen trustees, nine of whom shall be a quorum for transacting business: *Provided also,* That no trustees shall be removed, unless with the concurrence of a majority of the whole number of trustees for the time being:

And provided likewise, That whenever the whole number of existing trustees shall happen to be less than ten, no meeting of the said corporation shall be called or holden for any other purpose than that of nominating and electing other trustees.

SECT. 3. *Be it further enacted,* That the said trustees, and their successors, in their corporate name and capacity, shall be, and hereby are made capable in law to receive, take, hold, possess, manage, dispose of, lease, bargain, sell, and improve, conformably to the intentions, and subject to the limitations and directions of the donors, all donations of money and other personal estate, and of lands and tenements and other real estate, which shall and may be lawfully given, devised or trans-

Persons incorporated.

Powers of the Trustees.

Repealed 1810 ch. 34.

Empowered to receive donations.

ferred to the said trustees, and which shall be lawfully vested in, or recovered by them, and whereof the proceeds, profits, income, or beneficial interest shall be directed to the purpose of supporting a Bishop in the protestant episcopal church, or of promoting any religious or charitable institution of the said association of churches within this Commonwealth; and to receive, take, hold, manage, and improve any other real or personal estate, which shall be lawfully conveyed, granted, or assigned to the said corporation in trust, and whereof the income shall be directed and appropriated to the support of a religious pastor or teacher in any society or church, members of the said association of churches, under the superintendence of the same Bishop: *Provided*, That the estates, real and personal, which may be vested in the said corporation, other than such estates and property as may be conveyed or assigned in trust for the support of a religious pastor or teacher as aforesaid, shall not exceed, at any one time, in the annual income thereof, actual or estimated, the sum of fifteen thousand dollars.

SECT. 4. *Be it further enacted*, That the said corporation shall be liable to be sued and impleaded before the Supreme Judicial Court, at the suit of proper parties and complainants, by bill in equity, and according to the course of proceedings in courts of law having jurisdiction in matters of trust, and of donations for pious and charitable uses: and the justices of the said court shall have authority thereupon to enforce the faithful performance, specifically or otherwise, as the case may require, of all trusts and appropriations limited and appointed upon any donations of lands, monies, and other estate, real and personal, which shall be lawfully vested in the said corporation, and to enquire of the disposition and management thereof, and by injunction, sequestration, or otherwise, to be granted and awarded by the said court, such remedies and relief in the premises shall be afforded as to law and justice shall appertain.

Corporation
liable to be
sued.

SECT. 5. *Be it further enacted*, That the Rev. John S. J. Gardiner and the Rev. Asa Eaton, be and they hereby are authorized to fix the time and place for the first meeting of the said corporation, of which they shall give notice in writing to each member thereof. [*March 3, 1810.*] Add. act—1810 ch. 34.

First meeting.

An ACT to incorporate certain persons into a company by the name of The Lechmere Point Corporation.

Chap. 95.

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 Handasyd Perkins, James Perkins, William Payne, Ebenezer Francis, and Andrew Craigie, being tenants in common of a certain tract of land in the town of Cambridge, in the county of Middlesex, commonly known by the name of Lechmere's Point, and of certain other lands near to said Lechmere's Point, of which said Craigie was seized on the first day of November, in the year of our Lord one thousand eight hundred and eight, and parts of which have been

Persons incor-
porated.

conveyed by said Cragie to the persons named in this act, and others since that time, as by his deeds will appear, together with such persons as now are tenants in common of said lands, or may hereafter associate with them, and 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 Lechmere Point Corporation, for the term of twelve 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 by-laws for the management and regulations of said estate, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law appertains to bodies politic.

Extended
1822 ch. 19.

Corporation
empowered to
hold and im-
prove certain
lands.

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 water, 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 meeting, to be expressed by their votes.

To be divided
into 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 twelve 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 estate aforesaid, agreeably to the true intent of this act, and to sell and dispose of the share or shares of any delinquent proprietors for the payment of assessments in such way and manner, as said corporation 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.

Proviso.

Property of in-
dividuals lia-
ble to attach-
ment.

1804 ch. 83.

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 according to the provisions of an Act, entitled, "An Act directing the mode of attaching on mesne process.

and selling by execution shares of debtors in incorporated companies.”

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 and every member of the corporation shall be permitted to give one vote for every share whereof he is proprietor, unless he be proprietor of more than five shares, and one vote for every five shares above, and absent members may vote by proxy, authorized in writing.

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 twelve years, or whenever the Legislature shall deem proper to repeal this act, all real estate 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, recover, and divide in their corporate capacity all debts which may then be unpaid: *Provided*, That nothing in this act shall be construed to exempt said real estate from taxation in the town where the same lies. *And provided also*, That the books of said corporation shall be open to all persons having claims and demands on the said corporation or any of its members. [March 3, 1810.] Add. act—1822. ch. 19.

An Act to incorporate a number of persons in the town of Danvers, by the name of The Danvers Cotton Factory Company. Chap. 96.

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 Felton, and his associates, together with such others, as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Danvers Cotton Factory Company, for the purpose of manufacturing cotton in the town of Danvers, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in An act, entitled, “An act defining the general powers and duties of manufacturing corporations,” passed the third day of March, eighteen hundred and nine.

SECT. 2. *Be it further enacted*, That the said corporation, may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such per-

sonal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient, for carrying on the manufacture of cotton, in said town of Danvers. [March 5, 1810.]

Chap. 97.

An ACT to incorporate Theophilus Bradbury and others, by the name of The Newburyport Mechanick Association.

Newburyport
Mechanick As-
sociation 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 Theophilus Bradbury, and all those who have associated or may hereafter associate with him, be, and they hereby are incorporated, and made a body politic by the name of The Newburyport Mechanick Association, and by that name shall be known in law; shall be capable of suing, and be sued; and shall have power to have and keep a common seal; to make by-laws for the election of their officers, and members, the collection of assessments, the regulation of their meetings and appropriation of their funds for charitable purposes; but shall have power to make by-laws for no other purpose whatever.

Amount of in-
come.

SECT. 2. *Be it further enacted,* That the said corporation shall have power, and be capable in law, to purchase, hold, and possess, in fee simple, or otherwise, personal or real estate: *Provided,* That such personal estate shall not exceed twenty thousand dollars, and such real estate ten thousand dollars, in value.

Income, how
appropriated.

SECT. 3. *Be it further enacted,* That the annual income of said corporation shall be appropriated and employed, exclusively, for the purpose of relieving the distresses of unfortunate mechanicks and their families; to promote inventions and improvements in the mechanick art, by granting premiums for such inventions and improvements; and to assist young mechanicks with loans of money.

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. [March 5, 1810.]

Chap. 102.

An ACT to set off Thomas Saunderson and others, from Deerfield, and annex them to Whately.

Lands annexed
to Whately.

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, Thomas Saunderson, Ebenezer Barnard, and Justin Morton with their polls and estates, together with the lands and the inhabitants thereon, within the limits hereafter described, that is to say, beginning at the south-west corner of Thomas Saunderson's land, in the north line of Whately, thence running northerly on a line parallel with the original east line of Conway to the north line of Lot Number Sixteen, in Long-hill west division, so called, thence running eastwardly on the north line of said lot Number Sixteen to the east end of Justin Morton's land, thence southerly on the east line of Justin Morton's land, to the south line of Wm. Tyron's land, thence eastwardly on the south

line of William Tyron's land, to the east side of the county road leading from Deerfield to Whately, thence southwardly on the east line of said county road to the north line of Whately, including all lands within the said running line and the north line of Whately, be, and they hereby are set off from the town of Deerfield, and annexed to the town of Whately: *Provided*, That the polls and estates, hereby taken from Deerfield and annexed to Whately, be holden to pay to the town of Deerfield all town taxes which have been or may be assessed thereon before the first day May next, and all state and county taxes which have been or shall be assessed thereon, until a new valuation shall be taken in this Commonwealth; and all officers of the town of Deerfield shall have the like authority and powers, for that purpose, as though this act had not passed; and while said polls and estates are assessed in Deerfield, they shall not for a like tax be assessed in Whately. [March 5, 1810.] Further act—1811 ch. 22.

An ACT to incorporate certain persons by the name of The Middlefield Free Stone Company. Chap. 103.

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 Dorr, Nathaniel Ruggles, William Lambert, Simon Elliot, Thomas Shephard, Charles Shephard, and John Shephard, 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 Middlefield Free Stone Company, for the purpose of preparing and finishing for various uses, a quarry of free stone in the town of Middlefield, in the county of Hampshire and for transacting any business necessarily connected therewith, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in act passed the third day of March, in the year of our Lord One thousand eight hundred and nine, entitled, "An act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Powers and privileges.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding sixty thousand dollars, and such personal estate not exceeding one hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufactory aforesaid. [March 5, 1810.]

An ACT to incorporate certain persons, by the name of the Salem Athenæum. Chap. 106.

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 Augustus Holyoke, William Orne, Moses Little, John Treadwell, jun. John Pickering, jun. Benjamin L. Oliver, Leveret Saltonstall, Nathaniel Silsbee, and Samuel Putnam, together with all other persons, who are or shall become members of the said association, be, and they hereby are incorporated by the name of The proprietors of the Salem Athenæum, and by that name may sue, and be sued, plead

Salem Athenæum incorporated.

and be impleaded, defend and be defended, in all and any courts of law, or elsewhere, in all manner of actions, pleas, or controversies whatsoever, and in their 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 literary purposes. And the said corporation and their successors, 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, exclusive of their books, so that the estate aforesaid shall be appropriated for the promotion of literature, of the arts and sciences, and not otherwise: And the said corporation, and their successors, shall have power to give, grant, sell, alien, convey, exchange, or lease, all or any part of their lands, tenements, or other property, for the benefit and advantage of said corporation.

May have a
common seal.

SECT. 2. *Be it further enacted*, That the said corporation may have a common seal, for their use and benefit, with full power to alter change, or renew it, whenever they shall think the same expedient.

Meetings, by-
laws, &c.

SECT. 3. *Be it further enacted*, That the said corporation shall have power to determine when and where their meetings shall be holden, and the manner of notifying and calling the same, and power to choose such officers, with such powers, as they shall judge expedient, and to make by-laws, for the due government of the said corporation and for the due and orderly conducting the affairs thereof, and for and concerning all matters and things relating to said corporation, and the same at pleasure to alter and amend or repeal: *Provided however*, That the powers vested in their said officers, and the said by-laws shall not be repugnant to the constitution and laws of this Commonwealth.

Fines.

SECT. 4. *Be it further enacted*, That the proprietors of said corporation shall have power to impose suitable fines, not exceeding five dollars, for the nonfulfilment or breach of the same by-laws; and the said corporation shall have a suitable remedy by action to recover such fines in any court of law proper to try the same.

How collected.

SECT. 5. *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 said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, after duly notifying in some news-paper printed in the town of Salem, 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 purchaser, 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 share or shares were sold as is before provided.

SECT. 6. *Be it further enacted,* That Edward Augustus Holyoke, William Orne, Nathaniel Silsbee, and Samuel Putnam, or any three of the same, 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 newspaper printed in the town of Salem, and that, at the same meeting, the said proprietors may proceed to execute any or all the powers vested in them by this act. [March 6, 1810.]

First meeting.

An ACT in addition to an Act, entitled An Act to establish a company, by the name of The Worcester and Stafford Turnpike Corporation. Chap. 111. 1805 ch. 33. 1809 ch. 22.

WHEREAS, by the act to which this is in addition, the Honorable Salem Towne, Esq. Abner Brown, and Aaron Marsh, Esqrs. were appointed a committee to locate said turnpike road and to make return, after having completed their business, to the then next courts of general sessions of the peace to be holden in the counties of Worcester and Hampshire, and whereas Aaron Marsh, one of said committee, deceased before said business was completed, and the return of the doings of said committee was afterward made by the other two of said committee to the courts of sessions within and for said counties of Worcester and Hampshire, but not within the time prescribed by said act. 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 report of said Salem Towne, and Abner Brown, two of said committee, locating said turnpike road, so made as aforesaid, to the courts of sessions for the counties of Hampshire and Worcester, be valid and effectual in law, to all intents and purposes as if it had been made and signed in the life time of said Aaron Marsh, by all the members of said committee, appointed by said act, and had been duly returned to said courts within the time by said act provided. And all the proceedings of the courts, within and for said counties of Hampshire and Worcester, had or which may be had, on the report of said committee, so made as aforesaid, shall have the same force and effect in law, as they would have had, in case the report had been made and returned according to the provisions of the act to which this is in addition. *Provided however,* That nothing in this act contained shall be so construed as to affect the claim of any person or persons where suits have been already commenced.

Report of the Committee made valid.

SECT. 2. *Be it further enacted,* That said Salem Towne and Abner Brown, together with Reuben Sikes, Esqrs. or any two of them, be a committee to examine said turnpike road, and to approve of the same, if made, in their opinion, as near as may be, conformable to law, and to determine on the places

Committee appointed to examine the road.

where the gates shall be erected, and to make report of their doings to the Courts of Common Pleas within and for said counties of Hampshire and Worcester, who are hereby authorized to accept and confirm the same, within their respective counties. [March 6, 1810.] Further act—1819 ch. 113.

Chap. 112.

1791 ch. 62.
(V. 1. p. 361.)
1792 ch. 21.

87.
(V. 1. p. 394.
449.)

Proprietors of
West-Boston
Bridge empow-
ered to dispose
of certain real
estate.

An ACT in addition to 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.

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 West Boston Bridge, be, and they are hereby authorized and empowered, from time to time, to convey, sell, and dispose of, or to exchange, in fee simple or otherwise, as they shall think fit, any part of the real estate, which they have already purchased, or shall hereafter purchase, by any deed or deeds, made and duly executed, either by their President and Directors, or the major part of them, under the seal of said corporation, or by any agent or agents, by the said corporation appointed, under their seals, provided they shall have been respectively authorized, by a vote of said corporation, to make such conveyance, sale, disposition, or exchange thereof.

SECT. 2. *Be it further enacted,* That all sales or exchanges of any part of their real estate, already made by the said corporation, or by any agent or agents under them, in consequence of any vote of said corporation for such purpose, had and passed, shall be, and are hereby confirmed to their grantees, and their heirs and assigns forever, and shall be deemed good and valid in law, to all intents and purposes, conformably to the tenor of their respective deeds, purporting to convey or exchange the same in due form of law, any want of legal authority vested in said corporation to sell, convey, dispose of or exchange any part of their real estate at the time, notwithstanding. [March 6, 1810.]

Former pro-
ceedings con-
firmed.

Chap. 113.

An ACT to change 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, James Ayer (son of James Ayer, jun.) of Haverhill, in the county of Essex, shall be allowed to take the names of James Hazen Bricket Ayer; that Prince Beal, of Kingston, in the county of Plymouth, shall be allowed to take the name of Thomas Prince Beal; that Grace Besom, of Marblehead, in the county of Essex, shall be allowed to take the name of Martha Besom; that John Hall, of Lee, in the county of Berkshire, shall be allowed to take the name of John Grafton Hall; that Joseph Huin, of Sharon, in the county of Norfolk, shall be allowed to take the name of Joseph Hewins; that John Philips, of Bradford, in the county of Essex, shall be allowed to take the name of Alonzo Philips; that Joseph Sprague (son of Ebenezer Sprague) of Danvers, in the county of Essex, shall be allowed to take the name of

Names of cer-
tain persons
altered.

Joseph George Sprague; that Sylvester Twiss, of Danvers, in the county of Essex, shall be allowed to take the name of Sylvester Proctor; that Elizabeth Thompson Tyler, of Boston, in the county of Suffolk, shall be allowed to take the name of Elizabeth Jones Thompson Tyler; that Asa Ward, jun. of Boston, in the county of Suffolk, shall be allowed to take the name of Lauriston Ward; that Rhoda White, of Salem, in the county of Essex, shall be allowed to take the name of Elizabeth Cutter White; that James Hinkley, (also called James Evans) of Winthrop, in the county of Kennebeck, shall be allowed to take the name of James Wheeler; that George Fisk, of Boston, in the county of Suffolk, shall be allowed to take the name of George Boyle Fisk; that Samuel Ford, of Boston, in the county of Suffolk, shall be allowed to take the name of Samuel Bass Ford; that William Hall, of Boston; in the county of Suffolk, shall be allowed to take the name of William Chauncy Hall; that Abraham Howe, of Boston, in the county of Suffolk, shall be allowed to take the name of Abraham Fay Howe; that Rufus Lincoln, of Boston, in the county of Suffolk, shall be allowed to take the name of Rufus Warren Lincoln; that Thomas Hibbert Smith, of Salem, son of Isaac Smith of Rowley, in the county of Essex, shall be allowed to take the name of Lorain W. Smith; that Mussey Southwick, of Uxbridge, in the county of Worcester, shall be allowed to take the name of Thomas Mussey Southwick; that John-Stephens, of Boston, in the county of Suffolk, shall be allowed to take the name of John Hathaway Stephens; that William Barry Turell, of Salem, in the county of Essex, shall be allowed to take the name of Charles Turell; that Sarah Morton, of Dorchester, in the county of Norfolk, shall be allowed to take the name of Sarah Wentworth Morton; and the said persons shall, from and after the passing of this act, be 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. [March 6, 1810.]

An ACT in addition to an Act, entitled "An act establishing a Corporation by the name of The Proprietors of The Union Wharf," in Salem, in the county of Essex. Chap. 115.
1807 ch. 108.

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, and Benjamin Pickman, Esq. be, and they or any two of them, are hereby authorized to call a meeting of the said proprietors, giving seven days notice thereof, in the Newspapers, printed in Salem aforesaid, at which meeting the said proprietors may determine upon a mode of calling future meetings, may choose their officers, and do any other act or thing, which, according to the true intent and meaning of their act of incorporation, they could do at any legal meeting of the members thereof. [March 6, 1810.]

An ACT to establish a Corporation, by the name of The Woburn Turnpike Road, and Dracut Bridge Corporation. Chap. 119.

SECT. 1. *BE it enacted by the Senate and House of Representa-*

Persons incor-
porated.

tives, in General Court assembled, and by the authority of the same, That Joseph B. Varnum, Jeremiah Clapp, Josiah Brown, Benjamin F. Baldwin, Simon Coburn, Benjamin Kittridge, Samuel Bailey, Noah Hunt, William Hardy, Zachariah Hardy, John Bell, Jonathan Tidd, Jonathan Tidd, jun. Samuel Thompson, Zebediah Wyman, James V. Hildreth, Caleb Blanchard, Samuel Nichols, Benjamin Stevens, Jacob Coburn, David Jones, David Jones, jun. Isaac Barker, Nathaniel Hardy, Samuel Hardy, Benjamin Coburn, Abijah Thompson, Abijah Thompson, jun. Wyman Weston, Samuel Richardson, Isaac Richardson, John Wade, Jesse Wyman, Benjamin Foster, Eliphalet Farmer, Jacob B. Varnum, Daniel Varnum, Peter Harris, Thadeus Richardson, William Hall, Moses Whiting, George W. Reed, Nathaniel Davis, Benjamin Thompson, Benjamin Wyman, John Edgell, jun. Jonathan Thompson, John Flag, jun. John Kennedy, Benjamin Coolidge, Jesse Richardson, 4th, Charles Thompson, Jacob Coggin, John Eames, jun. and James F. Baldwin, together with such persons as may hereafter associate with them, and their successors or assigns, be, and they hereby are constituted a body politic and corporate by the name of the Woburn Turnpike Road and Dracut Bridge Corporation, for the purpose of making a Turnpike road, beginning at the county road a little east of the house of the late William Nichols, of Woburn, deceased, from thence as near a straight line as the nature of the ground and circumstances will admit, thro' the north part of Woburn, Wilmington, Tewksbury, and northwest corner of Andover, to Merrimack River, at Varnum's Falls, so called, crossing said river by a bridge, to be erected as herein after enacted, from thence passing in the town of Dracut to land lately belonging to George Burns, deceased, or land of John Gilcreast, and so on over the land of the said Burns and Gilcreast in the most convenient and practicable route, between the said Falls, to the line of the 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," passed the sixteenth day of March in the year of our Lord, one thousand eight hundred and five.

1804 ch. 125.

Corporation
empowered to
build a Bridge.

SECT. 2. *Be it further enacted,* That the aforesaid proprietors be, and they hereby are authorized and empowered to erect a Bridge over Merrimack River, at Varnum's Falls aforesaid, which bridge shall be well built with suitable materials, at least twenty-two feet wide, and well covered with plank, with sufficient rails on each side, and boarded up sixteen inches high from the floor of said bridge, and that there be an arch or arches sufficiently wide for the passage of rafts, the widest of which arches shall be laid over the channel of the river, and shall not be less than one hundred and ten feet wide.

Rates of Toll.

SECT. 3. *Be it further enacted,* That for the purpose of reimbursing the said proprietors the money by them to be expended in building and supporting said bridge, a toll be, and

hereby is granted and established for the sole use and benefit of said proprietors, according to the rates following, viz. for each foot passenger two cents; for each horse and one rider five cents, and for each additional rider on one horse two cents; for each horse and chaise, chair or sulkey, seventeen cents; for each phaeton, coach or chariot drawn by two horses, thirty-two cents, and if drawn by more than two horses, two cents for each additional horse; for each sleigh, cart, sled, or other carriage drawn by one beast, ten cents; for each waggon, cart, sled, or other carriage of burthen, drawn by two beasts, and not exceeding four beasts, twenty cents; for each additional beast above four, four cents; for each curriole, twenty cents; for each horse or neat cattle, exclusive of those rode on or in carriages, four cents; for each sheep or swine, one cent and five mills; for each team, one person and no more shall be allowed to pass as a driver free of toll; for each wheel-barrow or hand-cart with one person, four cents;—and at all times when the toll-gatherer shall not attend to his duty, the gate or gates shall be left open. *Provided nevertheless*, That after the expiration of twenty years from the passing of this act, the rates of toll of said bridge, shall be subjected to the regulation of the Legislature of this Commonwealth.

SECT. 4. *Be it further enacted*, That if the said corporation shall refuse or neglect for the time of five years to build and complete said bridge, then this act, so far as respects the building of said bridge, shall be null and void.

Time limited.

SECT. 5. *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 that may be sustained thereby, shall be estimated by a committee as the law provides, and shall be paid or tendered to the owners of such lands, or otherwise compromised or satisfied for, any law to the contrary notwithstanding.

Corporation may not take lands, until the damages are paid.

SECT. 6. *Be it further enacted*, That Jeremiah Clap, Esq. be, and he is hereby authorized and directed to notify and warn a meeting of said proprietors, to be holden some time in the month of May or June next, at such place as he may appoint, for the purpose of choosing a president, clerk, directors and treasurer, and to transact any other business relative to the affairs of said corporation, by publishing notifications thereof, in one or more of the public newspapers printed in Boston.

SECT. 7. *Be it further enacted*, That all necessary powers and privileges incident to, and lawfully exercised by, other corporations, for building toll bridges, and not specially provided for in this act, shall be held and exercised by this corporation. *Provided*, That the proprietors of said corporation, and their estates, shall be jointly and severally holden to fulfil all the contracts of said corporation, made whilst they were proprietors as aforesaid. [March 6, 1810.] Add. acts—1814 ch. 180: 1817 ch. 154.

Powers and privileges.

Chap. 122.

An ACT establishing a corporation by the name of the Lynn Mineral Spring 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 Joseph Osgood, John Page, Samuel Gardner Derby, Joseph Sprague, Ebenezer Secomb, Michael Webb, Samuel Goodridge, David Low, and Seth Low, and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be and they hereby are constituted a body politic and corporate, by the name of the Lynn Mineral Spring Corporation; and by that name they may sue and be sued, plead and be impleaded, defend and be defended, in any courts of record, or in any 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 each breach: *Provided,* that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth.

To hold real estate.

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 near and adjoining to the mineral spring (so called) in Lynn, not exceeding twenty thousand dollars in value, and personal estate not exceeding two thousand dollars in value; and shall have power to erect any buildings upon said land owned by them, and shall have power to grant, sell and alien in fee simple, or otherwise, the 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, and profits, and receipts which may accrue from the improvements, leasing or other management of the corporate property, may and shall once at least in every year, be divided among the proprietors according to their respective shares.

Estate to be divided into shares.

SECT. 3. *Be it further enacted,* That the said proprietors may, at any legal meeting, agree upon the number of shares into which said estate shall be divided, not exceeding forty, 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 purchasing said real or personal estate, and for erecting and repairing any walls and buildings on any part of their said real estate, and for laying out roads from

said estate, and generally for the improvement and good management of their said estate, agreeable to the true intent of this Act, and to sell and dispose of the same or of the 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.

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 attachment.

SECT. 5. *Be it further enacted*, That Joseph Osgood, John Page, or Samuel Gardner Derby, or either of them, may call the first meeting, by giving personal notice of such meeting to each of the members of said corporation, at least three days before such meeting, and at that or any other meeting, the proprietors 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 and remove; and in the choice of officers, or 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 votes than one quarter part of the whole number of shares. 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. No land to be taken from others without a legal conveyance.

SECT. 7. *Be it further enacted*, That the legislature shall have power at any time, 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 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 such sums and debts which may then be thereto due and unpaid, and shall be liable to the payment of all debts due from the same corporation, and to any suit proper to recover the same. This act may be amended or repealed.

SECT. 8. *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 laying his execution, on any of the property of the individual members of Individuals liable to attachment.

the corporation in the same manner as if the action had been brought and the judgment rendered against them in their ordinary capacities.

Court of Common Pleas authorized to lay out a road.

SECT. 9. *Be it further enacted*, That the justices of the Court of Common Pleas, for the county of Essex, are hereby authorized on application from said corporation to lay out a private road from the said real estate of said corporation in Lynn, to the Salem Turnpike road, and also from said estate to the county road leading from Danvers and Lynn; and the said corporation shall be holden to pay all damages which may happen to any person by taking his land for such roads where it cannot be obtained by voluntary agreement, to be estimated by a committee appointed by the Court of Common Pleas for the county of Essex, saving to either party a right to trial by jury, according to the law, which makes provision for the recovery of damages happening by laying out public highways: *Provided however*, that the towns of Lynn, Salem and Danvers, shall not be holden to repair or make said road, and also that said corporation may at any time discontinue either of said roads. [March 6, 1810.]

Chap. 124.
1803 ch. 98.

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

(V. 3. p. 343.)
1805 ch. 17.
(V. 3. p. 614.)
1803 ch. 30.

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 second day of March, in the year of our Lord one thousand eight hundred and eight, be, and hereby is allowed to the said corporation to complete their said turnpike road. [March 6, 1810.] Further acts—1818 ch. 82: 1819 ch. 80.

Chap. 126.

An Act providing for the appointment of commissioners for the settlement of the accounts of the agent and managers of the Amoskeag Lottery.

Commissioners appointed to settle the accounts of the managers of Amoskeag Lottery.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Winslow, Jonathan Hunnewell, and Benjamin Weld, Esquires, be and they are hereby appointed commissioners to adjust and settle the accounts of the managers of Amoskeag Lottery, and of the agent appointed to expend the monies raised thereby, and to allow them, severally, such commission and compensation as shall be equitable and proper: *Provided*, that said managers and agent shall pay all the expenses arising under said commission, in such proportions as said commissioners shall deem and decide to be equitable and proper.

SECT. 2. *Be it further enacted*, That the Attorney and Solicitor General, or either of them, in case either or all the commissioners herein appointed should decline the duties prescribed by this Act, be and they are hereby authorized and empowered to appoint a commissioner or commissioners who shall be authorized to settle the said accounts in the same manner as the commissioners appointed by the first section of this Act might do.

SECT. 3. *Be it further enacted*, That said commissioners shall certify to the Attorney or Solicitor General, and to said mana-

gers and agent what shall be due from them as managers and agent of said lottery, within four months from the passing of this Act; and in case said managers and agents shall not within ninety days after receiving said certificate of the balance due from them, pay the same to the treasurer of this Commonwealth, the Attorney or Solicitor General are directed to sue the bonds of such agent, manager or managers. [March 6, 1810.]

An ACT in addition to an Act to establish the Middlesex 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 Middlesex Turnpike Corporation be allowed the further time of two years from the fifteenth day of June next, to complete their road from Biscuit bridge in Tyngsborough, to Cambridge Port, and when the same shall be finished, allowed, and approved, as the law prescribes, the said corporation, may erect toll gates at such places and distances as the Court of Common Pleas may deem necessary: *Provided,* the toll be so apportioned or subdivided, that no greater rate of toll be taken for any ten miles, than is allowed by law. And said corporation are hereby allowed the further time of three years, from the fifteenth day of June next, to make and complete that branch of said turnpike, which extends from a point in Bedford to Medford village.

SECT. 2. And whereas the said corporation have laid out their road from where it intersects the old road, below the house of Joseph Harrington, in Lexington, in the shortest practicable rout, to a point in the great road leading from Lexington to West Cambridge meeting house, near the corner of John Frost's blacksmith's shop in said West Cambridge, by which many inhabitants of said town are aggrieved.

Be it further enacted, That said turnpike road from the said point in Lexington, shall be laid out and made in the nearest practicable route to a point in the great road aforesaid near the foot of the rocks, so called, between the houses of Benjamin Lock and Aaron Cutler, and in no other direction: *Provided,* that if the inhabitants of said West Cambridge shall not make and complete the last mentioned piece of road by the first day of August next, for the use and benefit of said corporation, and to the satisfaction of the directors of said corporation, or a committee of the Court of Common Pleas, said directors to be notified by the first day of June next of the intention of said inhabitants to make said road; and also if said inhabitants shall not before the said first day of August procure a discharge of all claims for damages existing against said corporation, or other persons, and arising from said road having been laid out from said point in Lexington to said Frost's blacksmith's shop, as above recited, and also such damages as may be estimated for the land taken for the piece of road to be by them made as aforesaid, then the road already laid out as above recited, shall and may be the course of the turnpike road, and may be opened and made in the manner prescribed by law.

Chap. 129.
1805 ch. 12.
(V. 3, p. 611.)

Corporation allowed a further time to complete their road.

Course of the road altered.

Road may be extended.

SECT. 3. *Be it further enacted*, That the right to extend said turnpike road from Biscuit bridge in Tyngsborough, as nearly as may be, in its present direction, to the line of the State of New-Hampshire, so as to meet any turnpike which may be laid out in that State in the same direction, is hereby granted to said Middlesex Turnpike Corporation, with all the privileges and immunities, and subject to all the duties and conditions provided by law.

SECT. 4. *Be it further enacted*, That this Act shall have no force or effect, unless the said corporation shall cause the damages, done to individuals by reason of their lands having been taken by the whole course of said road, to be ascertained by a committee in manner prescribed by law, and shall pay or tender the same to the persons to whom the same shall be awarded. [March 6, 1810.] Add acts—1810 ch. 120: 1811 ch. 28: 1819 ch. 62.

Chap. 1.
See 1809 ch.
29.

An ACT to change the name of Loudon 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 name of the said town of Loudon shall cease, and the said town shall hereafter be called and known by the name of Otis, any law to the contrary notwithstanding. [June 13, 1810.]

Chap. 2.
1808 ch. 34.

An ACT to amend an Act, entitled, "An Act to establish the lines of jurisdiction between the Towns of Blanford and Chester 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 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 and thirty-six minutes south, forty-two rods, distant from a beech tree in the line between Blanford and Becket, marked with various ancient marks, which heap of stones is the corner of the town of Chester, and on the line of Blanford, thence from the said heap of stones easterly about two thousand and seventeen rods, to the east side of Westfield river, in a straight line from said heap of stones to rockhouse corner, (so called) any thing in the Act, entitled, "An Act to establish the line of jurisdiction between the towns of Blanford and Chester in the county of Hampshire," to the contrary notwithstanding. [June 13, 1810.]

Chap. 3.
1809 ch. 35.

An ACT in addition to an Act, entitled, "An Act to incorporate Nicholas Thordike and others into a company, by the name of The Beverly Marine Insurance Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of one year from and after the twenty-third day of August next, be allowed to the Stockholders in the Beverly Marine Insurance Company, named in the Act to which this Act is in addition, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company. And that the said residue shall be paid in at such times and in such pro-

Time length-
ened to pay
instalments.

portions within the period aforesaid, as the directors of the said company shall order or appoint, any thing in the Act to which this Act is in addition to the contrary notwithstanding. *Provided however,* That nothing in this Act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said Act, in addition to which this Act is made. [June 13, 1810.] Further acts—1811 ch. 3: 1813 ch. 1: 1816 ch. 54: 1821 ch. 36.

(Further time—
1811 ch. 3.
1813 ch. 1.
1816 ch. 54.)
Proviso.

An ACT to set off Samuel Spofford, with his dwelling house, and adjoining land, from the Second or West Parish in Rowley, to the Second or West Parish in Boxford.

Chap. 6.

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 the Second or West Parish in Rowley, and his land within the following lines, viz. Beginning at a stake and stones on the line between Rowley and Boxford, from thence running south thirty-four degrees east, eighteen rods and fifteen links, thence south nineteen degrees east, nineteen rods and nineteen links, thence south five degrees west, two rods and twelve links, thence south forty degrees and one half east, five rods and eighteen links, thence south two degrees and one half east, sixteen rods and six links, thence south ten degrees east, five rods and six links, thence north eighty-one and one half degrees west fifteen rods to the aforesaid town line, be, and hereby are annexed to the Second or West Parish of Boxford in the county of Essex. *Provided,* That the said Samuel Spofford be held to pay all the taxes that have been lawfully assessed thereon by the Second or West Parish in Rowley. [June 13, 1810.]

Samuel Spofford and estate set off and annexed to.

Proviso.

An ACT to amend an Act, entitled, "An Act to incorporate a part of the Towns of Boylston, Holden, and Sterling, into a separate Town, by the name of West Boylston."

Chap. 7.
1807 ch. 48.

WHEREAS, by the provisions of the third section of the Act aforesaid, sundry duties are enjoined upon the inhabitants of that part of the town of Sterling, which by the said Act is made part of the town of West Boylston, in case of their neglecting to comply with such duties, no action can be brought against said inhabitants as a body corporate. Therefore,

Preamble.

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 a neglect by said inhabitants to fulfil or perform any of the duties or provisions of the third section of the said Act, an action at law may be maintained by or against the inhabitants of West Boylston, in their corporate capacity, in the same manner, as though the said duties had by said Act been enjoined upon the whole of the inhabitants of that town, instead of that part of them only, which formerly belonged to Sterling, any thing in said Act to the contrary notwithstanding. [June 13, 1810.]

Action maintained in case of neglect.

Chap. 8.

An ACT to alter the Names of the several persons therein mentioned.

Names of persons altered.

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, Nathaniel Child, of Gardener, in the county of Worcester, shall be allowed to take the name of Nathaniel Parks Child, that Samuel Stevens, jun. of Newburyport, in the county of Essex, shall be allowed to take the name of Samuel Bingham Stevens, that Federal Brownell, of Westport, in the county of Bristol, shall be allowed to take the name of Frederick Brownell, that Benjamin Crowninshield of Salem, in the county of Essex, shall be allowed to take the name of Benjamin Williams Crowninshield, that Abraham Priest, of Boston, in the county of Suffolk, shall be allowed to take the name of Abraham Priest Gibson, that Pepper Mixer, of Dedham, in the county of Norfolk, shall be allowed to take the name of Charles Mixer, 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. [June 13, 1810.]

Chap. 9.

An ACT to incorporate Thomas Shepherd and others, by the name of The Northampton Cotton and Woollen Manufacturing Company.

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 Thomas Shepherd, John Shepherd, James Shepherd, 2d, and Charles Shepherd, with such others as already have or hereafter may associate with them, their successors, be, and hereby are made a corporation by the name of The Northampton Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen, in the town of Northampton, 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 third day of March in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

(1808 ch. 65.)

Possession of property allowed.

SECT. 2. Be it further enacted, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty-five thousand dollars, and such personal estate, not exceeding the value of seventy-five thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton and woollen in the said town of Northampton. [June 13, 1810.]

Chap. 10.

An ACT to incorporate a number of persons in the Town of Orange, by the name of The Orange Cotton Factory Company.

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 Atwood, Phineas Battelle, Otis Butterworth, Nathan Cheney, David Cleaveland, Benjamin Dexter, Amasa Eddy, Abijah Fisher, Ezra Hemenway, Abijah Hill, David Legg, Rufus Meriam, Joseph Metcalf, Saville Metcalf,

Saville Metcalf, jun. Joseph Putnam, John Robinson, and Abner Whitney, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation by the name of The Orange Cotton Factory Company, for the purpose of manufacturing cotton in the town of Orange in the county of Hampshire, and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation in their corporate capacity, shall, and may lawfully hold and possess real estate not exceeding twenty thousand dollars, and personal estate not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton in the said town of Orange. [June 13, 1810.]

Possession of property allowed.

An ACT to incorporate a number of the inhabitants of the Towns of Ashby and Fitchburg, in the southwest part of the county of Middlesex, and the north part of the county of Worcester, into a distinct and separate Religious Society, by the name of The First Baptist Society in Ashby and Fitchburg.

Chap. 11.

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 Gibson, Samuel Caswell, Simeon Shattuck, Daniel Rayond, John Pratt, Solomon Gibson, Phinehas Wet' erbee, Warren Chase, Adam Stone, Joshua Bowers, Eli Haines, Jacob M'Intire, Stephen Gibson, Jonathan Daby, Samuel Gibson, jun. Stephen Gibson, Edmund Flint, Jonathan Page, Edward Burnap, Israel Wetherbee, Silas Wetherbee, the widow Mary Foster, Abraham Gibson, Timothy Gibson, Abel Gibson, Moses Jewett, Jacob Puffer, Joseph Wetherbee, Daniel M'Intire, Levi Crouch, Mirah Shattuck, Nathan Badcock, Charles Lawrence, Daniel Raymond, jun. Joel Page, the widow Sarah Davis, and Benjamin Wallace, members of the said religious society, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of The First Baptist Society in Ashby and Fitchburg, with all the privileges, powers, and immunities which other parishes or religious societies in this Commonwealth are by law entitled to.

Persons incorporated.

SECT. 2. *And be it further enacted*, That any person who may hereafter join with, and unite in religious worship with the said Baptist society, and give in his or her name to the clerk of either of the towns or parishes to which he or she may belong, with a certificate signed by the minister or clerk of the said Baptist society, that he or she hath become a member of, and united in religious worship with the said Baptist society fourteen days previous to the town or parish meeting, to be holden in the month of March or April annually, shall, from and after giving such certificate be considered, with his or her polls and estate as belonging to said Baptist society. *Provided however*, That all such persons shall pay their proportion of all monies assessed in the town or parish to which they belonged previous to that time.

Persons becoming members to obtain a certificate.

Proviso.

SECT. 3. *Be it further enacted*, That when any member of said Baptist society shall see cause, or be inclined to leave said society, and join in religious worship with the parish to which he or she formerly belonged, and shall leave a certificate with the clerk of said Baptist society signed by the minister or clerk of the town or parish where such person formerly belonged, that he or she actually becomes a member of, and united in religious worship with such town or parish, fourteen days previous to their annual meeting, holden in the month of March or April, and shall pay up his or her proportion of all monies actually assessed in said Baptist 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 society to which he or she hath so united.

SECT. 4. *Be it further enacted*, That either of the Justices of the peace for the county of Middlesex or Worcester upon application therfor, is hereby authorised 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 are by law required to choose at their annual meetings. [June 14, 1810.]

Justice to issue warrant for meeting.

Chap. 12.
1793 ch. 46.
(V. 1. p. 497.)
Preamble.

An ACT supplementary to the act to incorporate the Proprietors of St. Peter's Church in Salem, in the county of Essex.

(Altered by
1812 ch. 119.)

WHEREAS in and by the third section of the said act it is provided, that in default of payment for one year after public notice of any assessment, the pew or seat upon which such deficiency arises shall revert to the corporation, and may be sold in such way and manner as they shall agree, but no provision is made declaring what shall be public notice of any such assessment or perpetuating the evidence of such public notice; for remedy whereof—

Clerk to give notice respecting assessments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such public notice of any assessment may be given by posting up notifications of any such assessment at the outer doors of the said church, attested by the clerk of the said corporation, within sixty days after any such assessment shall have been made. And it shall be the duty of the clerk of said corporation, to post up such notifications, and to enter on the records of said corporation, a copy of such notifications, and also a certificate of the time when the same were posted up by him; which record and certificate shall be *prima facie* evidence of the facts stated therein; and the clerk of the said Corporation, upon every new choice, shall be sworn to the faithful discharge of his duty, before some proper magistrate. [June 14, 1810.] Further act—1812 ch. 119.

Chap. 13.

An ACT to set off Edward Cole from the first Parish in the town of Middleborough, and to annex him and his estate to Tetiquot Parish, (so called) 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

Edward Cole, of Middleborough, in the county of Plymouth, with his polls and estate, be, and hereby is set off from the first Parish, and annexed to Tetiquot Parish, (so called) in the said town of Middleborough. *Provided*, That the said Edward Cole shall previously pay his proportion of all parish charges, assessed and due to the said first Parish, from the said Edward Cole, prior to the date of this act. [June 14, 1810.]

An ACT to divide the town of Granville, in the county of Hampshire, and to establish the West Parish thereof, as a separate town, by the name of Tolland. *Chap. 14.*

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 Parish in Granville, in the county of Hampshire, as known by its present bounds, be, and hereby is incorporated and established as a separate town, by the name of Tolland, 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. *Tolland incorporated.*

SECT. 2. *Be it further enacted*, That the said town of Tolland shall be holden to pay its proportion of all taxes assessed thereon, and not paid prior to the date of this act, and shall be also holden to receive, support, and nourish its proportion of all the poor, which were the proper charge of the said town of Granville, before its division. *Holden to pay arrears of taxes, &c.*

SECT. 3. *Be it further enacted*, That any Justice of the Peace for the county of Hampshire, is hereby authorised to issue his warrant, directed to an inhabitant of the said town of Tolland, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers, as towns are by law required to choose, and appoint at their annual town meetings. [June 14, 1810.] *Justice to issue warrant.*

An ACT appointing Commissioners to settle the accounts of the Managers of the Dixville Road Lottery. *Chap. 16.*

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 Hon. Perez Morton, William H. Sumner, and William Brewer, Esquires, be, and they are hereby appointed commissioners to adjust and settle the accounts of the managers of Dixville Road Lottery, and of the agent appointed to expend the monies raised thereby, and to allow them severally such commissions and compensation as shall be equitable and proper. *Provided*, That said managers and agent shall pay all the expenses arising under said commission, in such proportion as the commissioners shall deem and decide equitable and proper. *Commissioners appointed.*

SECT. 2. *Be it further enacted*, That the Attorney and Solicitor General, or either of them, in case either or all the commissioners herein appointed shall decline the duties prescribed by this act, be, and they are hereby authorized and empowered to appoint a commissioner or commissioners, who shall be authorized to settle the said accounts, in the same manner as the commissioners appointed by the first section of this act might do. [June 14, 1810.] *Attorney General empowered.*

Chap. 18.
1809 ch. 14.

An ACT in addition to an Act, entitled "An Act establishing a Corporation, by the name of The Marblehead Social Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of one year from and after the seventeenth day of July next, be allowed to the stockholders of the Marblehead Social Insurance Company, to pay in the residue of the Capital Stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the sum of one hundred thousand dollars, the capital stock of said company, and that the said residue shall be paid in such proportions, and at such times within the period mentioned, as the directors of said company shall order or appoint, any thing in the act to which this act is in addition, to the contrary notwithstanding. Provided however, That nothing in this act shall be construed to exonerate or discharge the estates of the stockholders of said company from being liable in the manner, and for the purposes mentioned in the said act, to which this is in addition. Provided also, That fifty thousand dollars of the capital stock of said company, shall have been actually invested in public or other stock, pursuant to the act of incorporation, on or before the seventeenth day of July next ensuing; otherwise this act shall be of no force or effect. [June 14, 1810.] Further acts—1811 ch. 2: 1813 ch. 3: 1817 ch. 24: 1819 ch. 9.

Further time allowed to pay in stock.

(Extended
1811 ch. 2.
1813 ch. 8.
1817 ch. 24.
1819 ch. 9.)

Proviso.

Chap. 20.
1805 ch. 16.
(V. 3. p. 613.)

An ACT to extend the charter of the Worcester and Fitzwilliam 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 Worcester and Fitzwilliam Turnpike Corporation from the fifteenth day of June, one thousand eight hundred and ten, shall be allowed two years to make their road from the north line of this Commonwealth in the town of Royalston, near to Grave's Mills (so called,) to the dwelling-house of Eden Baldwin in Templeton, near to Baldwin's Mills (so called,) and when said corporation shall have completed said road, and it shall be accepted by the Justices of the Court of Common Pleas for the county of Worcester, the said corporation shall have a right to erect one gate, at or near the said north line of this Commonwealth, at which they shall have power to collect a toll of travellers in proportion to the distance so made, completed, and accepted, with that which is allowed by law to other turnpike corporations.*

Time allowed to make the road.

Further time given 1811 ch. 115.

Deeds, &c. valid.

SECT. 2. *And be it further enacted, That all deeds, bonds, and obligations running to said corporation shall be good and valid in law. [June 14, 1810.] Further act—1811 ch. 115.*

Chap. 23.

An ACT to incorporate the proprietors of the second Congregational Meeting house in Nantucket.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thaddeus Coffin, Richard Cary, Samuel Cary, Samuel Swain, Zopher Hayden, Thomas N. M. Cleave, David*

Persons incorporated.

Myrick, Aaron Mitchel, Timothy Folger, jun. Jeremiah Lawrence, James Barnard, Ebenezer Watts, Daniel Whitney, George Myrick, Jonathan C. Briggs, William Coffin, Jeremiah B. Wood, Reuben Baxter, Hezekiah B. Gardner, Henry Riddle, Elisha Starbuck, John Brock, jun. Peter Hussey, William Riddle, Elisha Raymond, Zaccheus Hussey, Matthew Pinkham, Abel Rawson. Samuel Riddell, Albert Gardner, Benjamin Glover, Eliza Bunker, Samuel Barker, and Wyer Swain, with such other persons as shall associate and become interested with them in manner herein after mentioned, be, and they hereby are incorporated and made a body politic by the name of The Proprietors of the Second Congregational Meeting house in Nantucket.

SECT. 2. *Be it further enacted*, That the said corporation, may purchase and hold the lot of land in Nantucket 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, and the said corporation may sue, and be sued, by its corporate name, may make and use a common seal, and break and alter it at pleasure, may make any by-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 as is hereafter set forth) 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.

Allowed to purchase land.

Proviso.

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, by admeasurement as has been heretofore 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.

Property proportionate.

SECT. 4. *And 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 expenses 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 admeasurement, 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 seats shall neglect to pay any assessment, which shall be legally made thereon as aforesaid, for one year after the

Authorized to raise money by assessment.

Authorized to
sell in case of
delinquency.

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

Justice to issue
warrant.

SECT. 5. *And be it further enacted,* That any Justice of the Peace for the county of Nantucket 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 such other officers as the proprietors shall judge necessary, and the moderator of that, and of all future meetings, shall have power to administer the oath of office to the clerk. [June 14, 1810.]

Chap. 28.
1799 ch. 80.
(V. 2. p. 378.)

An ACT in addition to the Act, entitled, "An Act to incorporate Ebenezer Beckford and others for the purpose of establishing an Iron Manufactory, and other purposes therein mentioned."

Preamble.

WHEREAS, the Danvers and Beverly Iron Works Company have built a Bridge of stone, and an Iron Factory, at Porter's River, near the Salem Iron Factory, but have lately discontinued their operations—and it appears that this establishment can be conveniently united with that of the Salem Iron Factory Company:—

Licence to the
Salem Iron
Work Compa-
ny.

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 Salem Iron Factory Company shall be, and they hereby are authorized and made capable to purchase, be lawfully seized of, and to hold to them, their successors and assigns forever, all the real estate of the Danvers and Beverly Iron Works Company, consisting of their iron manufactory land, and all their other works and buildings, and their stone bridge, all situated on and adjacent to Porter's River aforesaid, with the land under the same, with the appurtenances, and such other real estate near thereto, as may be convenient for this establishment: and may also hold so much personal estate as shall be actually employed therein, in addition to the personal estate which they are now authorized to have; *provided,* that the value of the real estate and of the personal estate, to be purchased and acquired as aforesaid, shall not exceed the amount which the Danvers and Beverly Iron Works Company are capable of holding.

Privilege to
use bridge and
mills.

SECT. 2. *Be it further enacted,* That the Salem Iron Factory Company shall and may use the Bridge Iron Factory, and the mill or mills, works or buildings, which the Danvers and Beverly Iron Works Company have built on said Porter's

River, and near thereto, and which they shall convey to the Salem Iron Factory Company; and may erect any other mill or mills, works or buildings there, or near thereto, for such Iron Factory, or for carrying on any other useful manufacture or business which shall be found expedient for the Salem Iron Factory Company to establish and carry on there.

SECT. 3. *Be it further enacted*, That the said real and personal estate, when purchased and acquired as aforesaid, shall be divided among the proprietors of the Salem Iron Factory Company according to their respective shares therein, in the same manner, to all intents and purposes, as if their original act of incorporation had extended to the same. [Feb. 8, 1811.]

Appropriation
of shares.

An ACT to incorporate Joseph Hewins and others, by the name of The Sharon Cotton Manufacturing Company.

Chap. 29.

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 Hewins, Philip Curtis, and Joseph Hewins, jun. with such others as already have, or may hereafter associate with them, their successors or assigns, be, and hereby are made a corporation, by the name of The Sharon Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Sharon, 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 third day of March, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations."

Persons incor-
porated.

1808 ch. 65.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate not exceeding the value of twenty-five thousand dollars, and such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary for carrying on the manufacturing of cotton in the said town of Sharon. [Feb. 8, 1811.]

Possession of
property allow-
ed.

An ACT to allow a further time to the proprietors of the Alford and Egremont Turnpike Corporation to complete their road.

Chap. 30.
1805 ch. 96.

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 the first day of January, one thousand eight hundred and eleven, be allowed to the said proprietors to complete the said Alford and Egremont Turnpike Road, any thing in the original act of incorporation to the contrary notwithstanding. [Feb. 12, 1811.] Further act—1811 ch. 68.

An ACT to establish a Corporation by the name of The Tyringham and Sandisfield Turnpike Corporation.

Chap. 32.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Hunt, Francis Hearick, John Sweet, William Ingersol, William Hale, together with such other persons as shall hereafter associate with them, be, and they are hereby made a

Persons incor-
porated.

Corporation, by the name of The Tyringham and Sandisfield Turnpike Corporation, for the purpose of making and keeping in repair a turnpike road, beginning at the Hosatonick River Turnpike Road, near the house of Sylvanus Hulet, in the town of Lee, thence crossing the Hosatonick river, and running to or near the house of William Ingersol, in said Lee, thence in the most direct and convenient route to William Hale's dwelling house, in that part of Tyringham, called Hobbrook, thence on the most direct and convenient route to John Sweet's, in the town of Otis, thence in the most convenient route to Solomon Deming's, in Sandisfield; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities, prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of turnpike corporations," passed the sixteenth day of March, eighteen hundred and five, and any acts which have been made in addition thereto. [Feb. 12, 1811.]

1804 ch. 125.

Chap. 33.
1805 ch. 109.

An ACT to allow a further time to the Wrentham and Walpole 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 one year from the fourteenth day of March next, be, and hereby is allowed to said corporation to complete their turnpike road, any thing in the original act of incorporation to the contrary notwithstanding. [Feb. 14, 1811.]

Chap. 34.
1809 ch. 91.

An ACT in addition to an Act, entitled, "An Act to incorporate sundry persons by the name of The Trustees of Donations to the Protestant Episcopal Church."

Preamble.

WHEREAS the Trustees of Donations to the Protestant Episcopal Church have represented that the limited number of their members is inconvenient and unfavourable to the pious purposes of their incorporation—

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 and second provisoes of the second section of the act to which this is in addition, which provisoes are in these words, viz. "provided that there shall not be in the said corporation, at any one time, a greater number than fifteen trustees, nine of whom shall be a quorum for transacting business—provided also, that no trustee shall be removed unless with the concurrence of two thirds of the whole number of trustees," be, and they hereby are repealed.*

Power to trustees.

SECT. 2. *Be it further enacted, That the said trustees shall have authority from time to time to determine the number of trustees which shall constitute a quorum for transacting business, and that no trustee shall be removed unless with the concurrence of two thirds of the number constituting a quorum for the time being, nor without the concurrence of two thirds of the number present at any legal meeting of the said trustees. [Feb. 14, 1811.]*

An ACT in further addition to an Act, entitled, "An Act for establishing the Fifth Massachusetts Turnpike Corporation."

Chap. 39.
 1798 ch. 85.
 (V. 2. p. 295.)
 1800 ch. 30.
 34. 48.
 (V. 2. p. 404.
 405. 414.)
 1802 ch. 66.
 (V. 3. p. 77.)
 1803 ch. 23.
 (V. 3. p. 217.)
 Proviso.

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 they hereby are authorized and empowered to remove the gate erected on said turnpike road, in the town of Gardner, from the place where it now stands, to a place about twelve rods east of Adam Noyes' barn, in said Gardner; *Provided however,* That the said corporation shall not be entitled to demand or receive any toll at said gate from any of the inhabitants of said Gardner, or those of the inhabitants of Royalston, Winchendon, or Templeton, who in travelling on said turnpike road enter upon the same near the dwelling house of Elisha Jackson, jun. or by the road which passes by the meeting house in said Gardner; *and provided also,* that the inhabitants of Westminster be exempted from the payment of toll at said gate, when passing to or from said Westminster to the town of Gardner, excepting such inhabitants as carry bricks from a brick kiln near Otter river, and cross Gardner line, who shall be liable to pay toll in the same manner as other passengers.

Privilege to inhabitants to pass turnpike.

SECT. 2. *Be it further enacted,* That the said corporation be, and they are hereby authorized and empowered to erect an additional gate on said turnpike road near Gurnie's tavern, in Montague, on either side of Miller's river, as the said corporation may judge most convenient; at which said gate, the said corporation shall be entitled to demand and receive the same rate of toll as at the other gates on said road from all persons travelling thereon, except from such persons as pass or repass the bridge over Connecticut river, at Montague city (so called) and continue on said road till they pass Gate No. 3, in the town of Athol, which said last described travellers, shall be altogether exempted from the payment of toll at the gate to be erected.

Authority to erect a new gate.

SECT. 3. *Be it further enacted,* That in addition to the toll already established, the said corporation shall be and they hereby are authorized and empowered to demand and receive at each of the gates on said road, for every cart or waggon, drawn by more than four oxen or horses, twelve cents and a half for each additional ox or horse. And if any person travelling on said turnpike road, shall on his arrival at or near either of the said gates, separate from his team any ox or horse with intention to pass the same, separately, through either of the said gates, and thereby to avoid the payment of any part of the toll accruing by law to said corporation, such person shall forfeit and pay the sum of two dollars, to be recovered by the treasurer of said corporation, to their use, in the same manner as other fines and forfeitures are to be recovered by the act to which this is in addition. [Feb. 16, 1811.] Further act—1815 ch. 20.

Empowered to raise toll.

Chap. 44. An ACT to incorporate a number of the inhabitants of the Town of Savoy, in the County of Berkshire, into a religious society, by the name of the First Congregational Society in Savoy.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Cheny Taft, Seth White, Joseph Woods, Ethan Maynard, Judson Woods, John Tileston, Obadiah Bliss, Stephen Hollis, Seth Bourn, Miles Carpenter, Simeon Goff, Simeon Hodges, Benjamin Wait, Benajah Sheldon, Wilks Walker, Jesse Smith, and Dyer Lewis, with their families and estates, together with such others as may hereafter associate with them or their successors, be, and they hereby are incorporated into a religious society, by the name of The First Congregational Society in Savoy, with all the powers, privileges and immunities, and subject to all the duties to which other parishes or religious societies are entitled or subjected by the constitution and laws of this Commonwealth.

Persons incorporated.

Justice to issue warrant.

SECT. 2. *Be it further enacted,* That any Justice of the Peace in the county of Berkshire, be, and hereby is authorized to issue his warrant, directed to some suitable person who is a member of said society, requiring him to warn and notify the members thereof to meet at such time and place in said town as shall be directed in said warrant, to choose all such officers as parishes and other religious societies are by law authorized to choose in the months of March or April annually. [*Feb. 18, 1811.*]

Chap. 47. An ACT in addition to an Act, entitled, "An Act to incorporate Jonathan Mason and others, into a company, by the name of the Union Marine Insurance Company." 1803 ch. 92. (V. 3, p. 333.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Union Marine Insurance Company be, and they hereby are authorized to invest ten thousand dollars of their capital stock in real estate, over and above the sum of twenty thousand dollars they were authorized to invest in real estate by the second section of their act of incorporation, passed February the twenty-ninth, one thousand eight hundred and four. [*Feb. 21, 1811.*] Further act—1816 ch. 59.

Chap. 48. An ACT in addition to the several acts for incorporating a certain part of the Town of Lee, into a District, by the name of The Hopland School District.

1790 ch. 26.
(V. 1, p. 294.)
1796 ch. 90.
(V. 2, p. 154.)
1798 ch. 7.
(V. 2, p. 234.)

BE it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all suits at law which may hereafter be depending in any court within this Commonwealth, wherein the said district may be a party, or interested in the event of the suit, any inhabitant of the said district shall and may be admitted as a competent witness, and his deposition may be used, if duly taken, and for legal cause, in any trial of the cause, as well for as against the said district. *Provided,* he hath no other interest therein than as an inhabitant or member of said district, and is not otherwise legally disqualified; any law, usage or custom to the contrary notwithstanding. [*Feb. 21, 1811.*]

An ACT to incorporate a number of persons in the Towns of Bellingham, Mendon, Milford, and Franklin, as a religious society, by the name of The First Baptist Society in Bellingham. *Chap. 49.*

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, Amos Adams, jun. Caleb Adams, Samuel Adams, jun. Levi Adams, Joel Adams, Christopher Adams, Hamblet Barber, Elijah Bates, Ezekiel Bates, Ezekiel Bates, jun. John Bates, Otis Bates, Daniel Bullard, Wheelock Bullard, Asa Burr, Asa Burr, 2d, Lucretia Burr, Joseph Chilson, Joshua Chilson, John Chilson, Ichabod Chilson, Ethan Cobb, Elias Cook, Amaziah Cushman, Samuel Darling, Samuel Darling, jun. Simon Darling, Amasa Foristall, Only Foristall, David Hill, Aaron Holbrook, Amasa Holbrook, Amos Holbrook, Amzi Holbrook, Cephas Holbrook, Eliab Holbrook, Eliphalet Holbrook, Henry Holbrook, Luke Holbrook, Mary Holbrook, Simeon Holbrook, Daniel Jones, Warren Lasell, Nathan Penniman, Martin Rockwood, Stephen Sayles, Samuel Scott, Bethuel Slocumb, Peletiah Smith, Samuel Smith. John Scammell, Benjamin Spear, Alpheus Thayer, Elias Thayer, Marvellous Thayer, Mary Thayer, Silas Thayer, Amos Thompson, Eli Thompson, Joseph Thompson, John Wales, Laban Whitney, Eliab Wight, Seneca Wight, and Gurdon Williams, of Bellingham, and Otis Wales, of Franklin, in the county of Norfolk; Nahum Bates, Daniel Lasall, and Joshua Lasall, Allen Thayer, Amos Thayer, Benjamin Thayer, and Dexter Thayer, all of Mendon; and Calvin Holbrook, and Timothy Wiswall, of Milford, in the county of Worcester, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated and established, as a religious society, by the name of The First Baptist Society in Bellingham, with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth: *Provided however,* That each and all such persons shall be holden to pay their several proportions of all monies voted and legally assessed, for parochial uses, in the parish or religious society, to which such person formerly belonged.

Persons incorporated.

Proviso.

SECT. 2. *Be it further enacted,* That any person in either of the aforesaid towns of Bellingham, Franklin, Mendon, or Milford, who may at any time within two years after passing of this act be desirous to unite with the said First Baptist Society in Bellingham, shall declare such intention in writing to the minister or clerk of the said society, and receive a certificate of admission, signed by the minister or clerk of the said society, that he or she has actually become a member of, and united in public worship with the said society in Bellingham, and shall also give an attested copy of the said certificate, to the clerk of the parish or society to which he or she formerly belonged; such person, from the time of giving in said certificate, shall, with his or her polls and estates be considered a member of the said First Baptist Society in Bellingham.

Method of joining the society.

SECT. 3. *Be it further enacted,* That when any member of

Method of
leaving the
society.

the said First Baptist Society in Bellingham, shall see cause to leave the same, and to unite with any other religious society in the town in which he or she may live, in either of the towns aforesaid, shall declare such intention in writing to the minister or clerk of the said society in Bellingham, and also to the minister or clerk of such other religious society, fifteen days previous to their annual meeting; and if such person shall produce a certificate of admission, signed by the minister or clerk of such other religious society, that he or she has united in public worship, and has actually become a member of such other society, such person, with his or her polls and estate, from the date of said certificate, shall be considered a member of such other society. *Provided however,* That in every case of secession from one society, and joining with another, as provided for in this act, every such person shall be holden to pay his or her proportion of all parish or society expenses, and assessments legally assessed and not paid, before such secession.

Justice to is-
sue warrant.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Norfolk, is hereby authorized, upon application therefor, to issue a warrant, directed to some freeholder in Bellingham, aforesaid, requiring him to notify and warn the members of the said First Baptist Society in Bellingham, 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 and appoint, at their annual parish or society meetings. [Feb. 21, 1811.]

Chap. 50.

An Act establishing The Union Religious Society, in the Towns of Weymouth and Braintree.

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 John White, Minot Thayer, Samuel Arnold, David P. Hayward, John Hollis, Mehitable Holbrook, Noah Bicknell, Susannah White, Alexander White, Josiah Vinton, Jacob Allen, Asaph Faxon, Jonathan Derby, Elihu White, Micah Richmond, David Loud, Jacob Allen, jun. Increase Clap, Asaph Faxon, jun. Josiah Vinton, jun. Isaac Damon, Robert Bates the second, William Bowditch, Joseph Allen, William Allen, Daniel Loring, Judah Loring, James Bowditch, Job Thayer, Thomas White, Benjamin Bowditch, Alexander White, jun. Boylston Vinton, Jonathan Bowditch, John Cushing, Joseph Nash the third, Caleb Hunt, Elisha Thayer, Jabez Porter, John P. Lavel, James L. Arnold, John Davis, Moses Nash, jun. Elisha Blanchard, Barnabas Thayer, the second, Job Nash, William Hunt, Nathaniel Pratt, Zeba Cushing, Sarah Capron, Thomas Cushing, Nathaniel Blanchard, Isaiah Thayer, Ezra Nash, William Beckwith, Moses Nash, Ebenezer Nash, Zadock Nash, Jacob Dyer, Isaac Phillips, Nathaniel Richards, jun. Samuel White, Edward Vinton, James Adams, Zadock Nash, jun. Aaron Ford, Stephen T. Soper, Jacob Tirrell, Andrew Howard, Turner Joy, Thomas Richards, Howland Cowing, Chauncey Williams, Peleg Jordan, Seth Cole, Jonas Welsh,

Solomon Richmond, Samuel Jones, and Asa Nash, the petitioners, with such other inhabitants of said towns of Weymouth and Braintree, as shall desire to unite with them, and signify the same to the Clerk of the Union Religious Society at any time within two years from the passing of this act, be, and hereby are incorporated into a religious society, by the name of The Union Religious Society in the towns of Weymouth and Braintree, with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are entitled to by law.

SECT. 2. *Be it further enacted*, That the polls and estates of all such persons, belonging to said towns respectively, who become members of said Union Religious Society, shall on the first day of May annually be taxable in said Union Religious Society, and in that only, for parochial purposes: *Provided nevertheless*, That so long as the Rev. Ezra Weld shall continue a minister of the parish in Braintree, the sum raised for his support shall, as heretofore, be assessed upon all the inhabitants of said town of Braintree. Time of taxation.

SECT. 3. *Be it further enacted*, That any of the members belonging to the parishes of Weymouth and Braintree, or the Union Religious Society, being desirous to change his, her or their relations to or from the said Union Religious Society, shall have full liberty so to do, with his, her or their polls and estates, at any time within two years from the passing of this act of incorporation of said Union Religious Society: *provided* they shall signify the same in the writing to the clerks of said parishes respectively, and to the clerk of the said Union Religious Society, and they shall be recorded by said clerk accordingly. Proviso.

SECT. 4. *Be it further enacted*, That all young persons in said towns, when they attain to the age of twenty-one years, and all persons who may hereafter settle within the limits of said towns, and shall desire to join the Union Religious Society, shall have full liberty so to do, at any time within two years 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 the parish within the limits of which they respectively reside, and to the clerk of the Union Religious Society. Joining the society.

SECT. 5. *Be it further enacted*, That the Union Religious Society shall have power to tax all pews in their meeting house, not exceeding six per centum of their original valuation, made by a committee previous to the sale thereof, which shall be occupied by persons who do not join said society, so that their polls and estates may be taxed, which taxes said occupants shall be held to pay. Power to tax.

SECT. 6. *Be it further enacted*, That all ministerial taxes assessed and raised within the towns of Weymouth and Braintree, on estates belonging to non-residents, shall be divided between the parishes within which said estates may be situated in said towns and the Union Religious Society, in the same proportion as the members of each parish collectively bear to Appropriation of taxes.

each other in the state tax, which shall be assessed from time to time, to be annually compared and ascertained by the assessors of the Union Religious Society, and the assessors of each parish in said towns respectively, and to be drawn by the Union Religious Society from the treasury of each parish in said towns.

Time of holding meeting.

1786 ch. 10.

SECT. 7. *And be it further enacted*, That a meeting of the Union Religious Society shall be holden at the new meeting house in Braintree, on the first Tuesday of March next, at three of the clock in the afternoon, for the purpose of choosing a clerk and other officers, and exercising such powers as are provided by an act for regulating parishes, and precincts, and the affairs thereof, passed June twenty-eight, one thousand seven hundred and eighty-six, and to agree upon a method of calling meetings of the society in future. [*Feb. 21, 1811.*] See 1810 ch. 130.

Chap. 53.

1793 ch. 21.

(V. 1. p. 465.)

1794 ch. 67.

(V. 2. p. 26.)

1798 ch. 16.

(V. 2. p. 241.)

1799 ch. 35.

(V. 2. p. 342.)

1802 ch. 98.

(V. 3. p. 131.)

1808 ch. 2.

1809 ch. 19.

An ACT supplementary to an Act, entitled "An Act to incorporate James Sullivan and others, under the name of the Proprietors of the Middlesex Canal."

WHEREAS, by a resolve passed the fourth day of March, in the year of our Lord one thousand eight hundred and nine, two townships of land in the District of Maine, were granted to the proprietors of the Middlesex Canal, to aid them in removing obstructions to water communications on Merrimack river, with said canal, and for other purposes, promotive of its principal objects—And whereas, to effect the important public purposes contemplated by said resolve, the said proprietors have found it necessary to become interested in several canal incorporations, created by the legislature of New-Hampshire, for the purpose of improving the navigation of the river aforesaid, and of removing its obstructions within said State—Therefore,

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 Middlesex Canal, in their corporate capacity, be, and they hereby are authorized and empowered to subscribe for and hold shares in any company that is, or shall be incorporated by the legislature of the State of New-Hampshire, for the purpose of improving or carrying on inland navigation by the river Merrimack, its branches and other waters, leading to the Middlesex Canal. [*Feb. 21, 1811.*] Further acts—1812 ch. 113. 115: 1814 ch. 100.

Proprietors authorized to hold shares in New-Hampshire.

Chap. 55.

An ACT to incorporate the proprietors of the First Congregational Meeting House, in Nantucket.

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 Gardner, Ebenezer Fitch, William Cobb, Thomas Hillar, Obed Joy, John Gardner, Uriah Bunker, 2d, Ebenezer Drew, Simeon Coffin, jun. Peter Myrick, Thomas M. Coffin, Humphrey Cannon, Elisha Raymond, Roland Gelston, William Nichols, Edward Cary, jun. Shubael Coffin, Jonathan Coffin, Jedediah Fitch, Robert Folger, Reuben R. Bunker, Benjamin Walcutt, Joshua Coffin, Grafton Gardner, and Coffin Whippley, be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the First Congrega-

Persons incorporated.

tional Meeting house in Nantucket, with such other persons as are or may hereafter become interested with them in said meeting house, and the land it stands on, with power to raise by assessment on the pews and seats in the said meeting house, according to the admeasurement of the same, such sum and sums of money for the settlement and maintenance of a minister or ministers, and for the incidental charges of said corporation, as the members of the same shall agree on, at any legal meeting to be called for that purpose.

SECT. 2. *Be it further enacted*, That it shall be lawful for the treasurer of said corporation for the time being, to sell at public auction, after giving thirty days notice thereof, by posting an advertisement to that effect, at two of the doors of said meeting house, such pew or seats on which the taxes may not have been paid, within one year after the assessment as aforesaid, 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 payable, and all incidental costs and charges, the said treasurer shall pay the surplus, if any, to such delinquent proprietor.

Empowered to sell pews and seats.

SECT. 3. *Be it further enacted*, That any Justice of the Peace for the county of Nantucket, 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 such other officers as the proprietors shall judge necessary; and the moderator of that and of all future meetings, shall have power to administer the oath of office to the clerk. [*Feb.* 21, 1811.]

Justice to issue warrant.

An ACT establishing the Kingston Cotton and Woollen Manufactory.

Chap. 57.

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 Bartlett, Jedediah Holmes, jun. George Russell, 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 Kingston Cotton and Woollen Manufactory, for the purpose of manufacturing cotton and woollen in the town of Kingston, in the county of Plymouth, 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 in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

(1809 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton and woollen in Kingston aforesaid. [*Feb.* 22, 1811.]

Power to hold estate.

Chap. 59.

An ACT to incorporate certain persons, therein named, as trustees, to improve and manage a fund towards the support of Grammar Schools in the town of Lincoln.

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 Grosvenor Tarbell, Elijah Fisk, and Charles Wheeler, be, and they are hereby made and constituted a body politic and corporate, by the name of the Trustees of the Grammar School Fund, in the town of Lincoln, in the county of Middlesex, and they and their successors shall be and continue a body politic and corporate, by that name forever, and may have, keep and use a common seal, which they may alter and renew at pleasure, and by the name aforesaid, may sue and be sued in all actions real, personal, or mixed, and may prosecute and be prosecuted to final judgment and execution, by the name of the Trustees of the School Fund in Lincoln.

Number of trustees limited.

SECT. 2. *Be it further enacted,* That the number of the said trustees shall never be more than five, nor less than three, and a majority of them may be a quorum for doing business, and the senior trustee present shall act as president, and the said trustees shall at their annual meeting appoint a treasurer and clerk, who shall be sworn to the faithful performance of their duties, and the treasurer shall give bond, with sufficient sureties, to the acceptance of the said trustees, faithfully to account for all monies or other property belonging to the said school fund, which he may receive into his care by virtue of this Act; and in case of the death, resignation, removal, misconduct, or any other cause, which may occasion a vacancy in the number of trustees, the town at their annual meeting, or at any other meeting, may fill up such vacancy or vacancies, and the said trustees shall receive no compensation out of the said funds for any services they may perform, but may receive such compensation, when made by a special grant from the town.

Vacancies supplied.

SECT. 3. *Be it further enacted,* That the said trustees and their successors in office, be, and they are hereby vested with full power to receive into their hands, all monies or other property, or securities therefor already received, and that now are, or hereafter may be bequeathed or given to the said school fund; and it shall be the duty of the said trustees to use and improve such funds, or real estate as shall be vested in them by this Act, with due care and vigilance, so as best to promote the intention of the donor or donors thereof, and shall always loan, upon interest, all the money belonging to the said funds, in such sums and for such term of time, not exceeding one year, as they may think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof, and they shall never loan any sum exceeding three hundred dollars, without a mortgage on real estate to the value of three times the amount of the sum loaned, as collateral security for the payment thereof, with interest annually, and it shall be the duty of the said trustees to appropriate the interest arising from said fund towards the support of the grammar schools in the said town of Lincoln.

Improvement of funds, &c.

SECT. 4. *Be it further enacted*, That the treasurer of the said trustees shall be the receiver of all monies and effects which may be due and coming to them in their official capacity, and in their name may demand, sue for, and recover the same, unless prohibited by them; and the said treasurer shall have the care and custody of all the monies and effects, obligations and securities, for the payment of money, and all evidences of property belonging to the said school fund, and shall be accountable to the trustees therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, together with a fair and regular statement of the property and evidences of property in his hands, annually, and as often as he may be thereto required. Treasurer's power.

SECT. 5. *Be it further enacted*, That it shall be the duty of the clerk, at the expense of said corporation, to provide and keep suitable and sufficient books for their records and accounts, and shall have the charge and keeping thereof, and of all papers and documents belonging to the said trust, and shall make and keep a fair and true record of all the votes and proceedings of the said corporation, and shall certify the same when thereto required by the trustees, and he shall call and notify meetings of the corporation, when directed by any one or more of said trustees, and do and perform all other duties incident and belonging to the office and duty of clerk of the said corporation, and he shall deliver up to his successor in office all the records, papers and documents in his hands, in good order and condition. Clerk's duty.

SECT. 6. *And be it further enacted*, That any Justice of the Peace for the county of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to either of the aforesaid trustees, requiring him to notify and warn a meeting of the said trustees, to meet at such time and place as shall be appointed in said warrant, to organize the said corporation, by the appointment of its officers. [*Feb. 22, 1811.*] Justice to issue warrant.

An ACT authorizing the sale of the ministerial lands in the town of Templeton, in the county of Worcester, to raise a fund for the support of the ministry. Chap. 61.

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 Templeton, in the county of Worcester, be, and they are hereby authorized by their agent or agents, to be duly elected by a majority of legal voters of said town, duly convened for that purpose, to make sale of all the ministerial lands in said town, either at public or private sale, and the said agent or agents be, and they are hereby authorized to sell and convey in fee simple all the ministerial lands belonging to said town, and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof; which deed or deeds so executed and delivered, shall be sufficient in law to transfer and convey the said lands in fee simple to the purchaser or purchasers. Authorized to sell lands.

SECT. 2. *Be it further enacted*, That the money arising from the sale of said lands, shall forever remain and constitute a fund for the support of such gospel minister or ministers, of any re- Appropriation of monies.

ligious sect or denomination as now are, or may hereafter be established in the said town of Templeton, and the interest thereof shall be annually appropriated for that purpose, in manner hereinafter provided.

Trustees appointed.

SECT. 3. *Be it further enacted*, That the selectmen of the said town of Templeton for the time being, and their successors in office, be, and they hereby are appointed trustees, to receive and hold all the money which may accrue from the sale of the land aforesaid, together with all such sums as may be hereafter subscribed for the purpose aforesaid, in trust for the use and benefit of said town, the interest thereof to be annually applied towards the payment of the salaries of the several gospel ministers who now are, or hereafter may be established in the said town of Templeton, in such proportions as a major part of said trustees shall deem just and reasonable.

Trustee's return.

SECT. 4. *Be it further enacted*, That said trustees shall make an annual return in writing of their proceedings, and lay the same before the said town of Templeton in March or April, for their inspection.

Vacancies supplied.

SECT. 5. *Be it further enacted*, That the inhabitants of said town may at any lawful meeting, duly warned for that purpose, remove any of the said trustees from their said office, and appoint others in their stead, and also in case of the death, resignation or removal of any of said trustees or their successors, to fill up any vacancy that may so happen from time to time.

Trustees incorporated.

SECT. 6. *Be it further enacted*, That the said trustees and their successors in office, be, and they hereby are constituted and appointed a corporation and body politic, by the name of the Trustees of the Templeton Ministerial Fund, and by that name may sue and be sued in all actions, and pursue and defend the same to final judgment and execution, and shall in all other respects have and exercise the same powers which belong to other corporations by the laws of this Commonwealth. [Feb. 25, 1811.]

Chap. 63.

1808 ch. 63.

An ACT to repeal a part of an Act, entitled "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 so much of an act, passed in the year of our Lord one thousand eight hundred and nine, as repealed an act entitled "An act in addition to 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 Skeket harbour on the east, and Quivet harbour on the west," be, and hereby is repealed. [Feb. 25, 1811.]

Chap. 64.

1783 ch. 5.
(V. 1. p. 51.)

An ACT in addition to an Act, entitled "An Act for incorporating the Proprietors of Mattakesett, Creeks (so called) in the town of Edgartown, in the County of Dukes County, into a body politic, by the name of The Proprietors of the Mattakesett Creeks, and also for the regulating and better improving the low grounds and meadows adjoining the said Creeks, and Great Pond (so called) 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 from and after the passing of this act, a line drawn south from the most easterly part of a point of land called Cattama Point, across Mattakessett Bay (so called) to the South Beach, shall be considered and known as a boundary line between the said proprietors and others, and that the channels and waters to the westward of said described line within the said Bay, shall be considered and understood as being at or near the mouths of said Creeks, so far as the Alewives Fishery shall be effected thereby, any thing in the act to which this act is in addition to the contrary notwithstanding. [Feb. 25, 1811.]

An ACT for allowing a further time to the Housatonic River Turnpike Corporation to complete their road.

Chap. 67.

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 passing of this act, be allowed the Housatonic River 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. [Feb. 25, 1811.] Further act—1816 ch. 34 : 1820 ch. 5.

1805 ch. 58.

1807 ch. 93.

1808 ch. 49.

An ACT to incorporate a number of persons in the town of Amesbury, as a religious society, by the name of The First Baptist Society in Amesbury.

Chap. 69.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Barzillia Colby, Barzillia Colby, jun. Valentine Colby, Valentine Colby, jun. Joshua Colby, David Currier, Nathan Currier, Richard Currier, James Davis, Abigail Farrington, Samuel Farrington, Ebenezer Farrington, Daniel Hoyt, Daniel Hoyt, jun. Daniel Hoyt, 3d, John B. Hoyt, Jacob Hoyt, jun. Nathan Huse, Johnson Jenny, Anthony Kelly, Samuel Kelley, Isaac Merrill, Isaac Merrill, jun. John Merrill, John Merrill, jun. Joshua Merrill, Moses Morse, Daniel Merse, John Morse, John Morse, jun. Enoch Nichols, Enoch Nichols, jun. Moses Sargent, Joshua Sargent, 3d, Isaac Tukesbury, and David Tukesbury, together with their families, polls, and estates, and such others as may hereafter associate with them and their successors, according to the provisions of this act, be, and they are hereby incorporated as a religious society, by the name of The First Baptist Society in Amesbury, with all the powers and privileges of other religious societies, according to the Constitution and Laws of this Commonwealth.

Persons incorporated.

SECT. 2. *Be it enacted,* That any person in said town of Amesbury, who may at any time hereafter actually become a member of, and unite in religious worship with the said Baptist Society, and give in his or her name to the Clerk of the town, and also to the Clerk of the parish to which he or she did formerly belong, and receive a certificate of admission, signed by the Minister or Clerk of the said Baptist Society, fifteen days previous to the annual meeting of the said society, which certificate shall set forth that he or she has constantly at-

Method of joining the society.

tended public worship with said Baptist Society for at least one year previous to his receiving such certificate, such person shall, from and after the giving in of such certificate, with his or her polls and estates, be considered as a member of the said society. *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish or society to which he or she belongs previous to that time.

Proviso.

SECT. 3. *And be it further enacted*, That any Justice of the Peace for the County of Essex, is hereby authorized to issue his warrant, directed to some freeholder, a 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, to organize the said society, by the appointment of its officers. [Feb. 25, 1811.]

Justice to issue warrant.

Chap. 70.

An Act to incorporate and establish a society, by the name of The Berkshire Agricultural Society, for the promotion of Agriculture and Manufactories.

WHEREAS, by the Constitution of this Commonwealth, it is made the duty of the Legislature "to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country;" and whereas these objects will be greatly promoted by the establishment of a society for these purposes in the County of Berkshire, and divers persons having petitioned this Court to be incorporated into a society—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 said petitioners, viz. Elkanah Watson, Ezekiel Bacon, John B. Root, Thomas B. Strong, Caleb Hyde, John Chamberlain, Samuel H. Wheeler, together with such others who shall become members thereof, be, and they hereby are incorporated into and created a body politic and corporate forever, by the name of The Berkshire Agricultural Society, for the promotion of agriculture and manufactures.

Persons incorporated.

SECT. 2. *Be it further enacted*, That the said Corporation are hereby declared and made capable in law of purchasing, taking and holding in fee simple, or any estate of a different tenure, whether by purchase, devise, or otherwise howsoever, any lands, tenements, or other estate, real or personal; *provided*, that the annual income of the said real and personal estate shall not exceed the sum of five thousand dollars, and may also sell, alien, devise or dispose of the same estate, real and personal, but not to use the same in trade or commerce.

Possession of property allowed.

Proviso.

SECT. 3. *Be it further enacted*, That the said corporation shall have full power and authority to create and use a common seal, and the same alter and renew at their pleasure, and the said corporation is hereby made capable to sue and be sued, to plead and be impleaded, and to act and transact any matters and things in courts of law, whether of record or otherwise, and in all places whatsoever, and in all actions, real, personal, or mixed; and further may do generally all such

Power to act.

other matters and things as shall appertain to them as a corporation.

SECT. 4. *Be it further enacted*, That the said Corporation may make, declare and put in execution, all such laws and regulations as may be necessary to the well being and government of the said society, *provided* the same shall not be repugnant in any respect to the laws and constitution of this Commonwealth; and for the governing of the said corporation, and ordering of all their affairs. they hereby have authority to elect and appoint all such officers as they shall think proper, and all officers that shall be legally appointed in pursuance of the laws and regulations of the said Corporation, for the purposes aforesaid, are hereby authorized to exercise such power and discharge all such duties as shall be provided for, or contained in the said laws and regulations; and the said corporation may from time to time admit persons to become members thereof, as shall be provided for in their regulations.

Proviso.

Admission of members.

SECT. 5. *Be it further enacted*, That Samuel H. Wheeler, Esq. is hereby authorized to appoint the time and place in said Pittsfield, for holding the first meeting of the said society, and to notify the members thereof, by publishing the same in one or more newspapers, printed in the said County of Berkshire, at least fourteen days previous to the day of meeting; and he shall preside at the said meeting, and cause the same to be duly organized, according to the regulations of the said society, and shall record or cause to be recorded in the society's book of records, for that purpose, all such his proceedings, and attest the same, which shall be taken and allowed as full evidence thereof.

Time of meeting appointed.

SECT. 6. *Be it further enacted*, That the Legislature shall have power to alter, amend, or repeal this act whenever they shall think the public good may require it. [*Feb. 25, 1811.*]

An ACT in addition to an Act, entitled "An Act to incorporate the Wardens and Vestrymen of the Episcopal Church of St. Andrew's, in Scituate, into a society, by the name of The Episcopal Protestant Society of St. Andrew's Church, in Scituate," passed the twenty-third of February, one thousand seven hundred and ninety-seven.

Chap. 74.
1796 ch. 55.
(V. 2. p. 120.)

WHEREAS, The Episcopal Protestant Society of St. Andrew's Church, in Scituate, represent that they have lately erected a house for public worship within the bounds of the town of Hanover, where a principal number of the members of that society at this time reside; and pray for some alterations in their corporate name and capacities, conformably to the present situation and circumstances of the said society. 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 Wardens and Vestry, and members of the said Episcopal Society, be permitted and authorized to take the name of The Episcopal Parish of St. Andrew's Church; by that name hereafter to sue and be sued, implead and be impleaded, and to have and retain the estate, real and personal,

Society organized.

and all the rights, dues, powers and privileges, and to be liable to the debts, duties and contracts, of the said Episcopal Protestant Society of St. Andrew's Church, in Scituate.

SECT. 2. *Be it further enacted,* That each and every person, who is or shall become a proprietor, or interested by subscription, purchase, or otherwise, in the house for public worship, called St. Andrew's Church, lately erected by the said society in Hanover, in the County of Plymouth, and any person proposing to attend public worship there, not being heretofore a member of the said society, who shall enter his or her name, and request to become a member with the Wardens and Vestry, or with the Clerk of the said society, shall be deemed taken and entitled, and they with their estates shall be liable in all lawful taxes and assessments, as members of the said Episcopal Society and Parish. And the members of the said Episcopal Society and Parish shall be, and they with their estates, hereby are exempted from all other taxes and assessments for the support of public worship in the town or parish where they may respectively reside. *Provided,* that persons hereafter becoming members, shall give notice thereof in writing to the assessors or clerk of the parish or town where they reside, and until such notice, shall not be entitled to the exemption aforesaid: *And provided,* that persons withdrawing from the said Episcopal Society and Parish, who shall give notice thereof in writing to the Wardens and Vestry, or Clerk for the time being, shall be no longer liable in any taxes or assessments, afterwards granted and voted therein; and they, with their estates, shall become again liable and holden in all other taxes and duties for the support of public worship in the parish or town where they may respectively reside, and as other inhabitants there, not entitled to any special exemption, are or shall be by law liable and holden.

SECT. 3. *Be it further enacted.* That the said Episcopal Parish of St. Andrew's Church, shall be able and capable to take and hold, by gift, grant or purchase, any real or personal estate, and to manage, sell and dispose of the same; and for that purpose shall have a common seal, to be established, altered and renewed at their pleasure. *Provided,* that the real estate holden by them at any one time, shall not exceed in annual income or value, the sum of four thousand dollars; *and provided,* that no sale thereof shall be valid and effectual, unless the same shall be made with the concurrence of their minister, if any, and of two thirds at least of the proprietors of pews in the said church, being members of the said society.

SECT. 4. *Be it further enacted,* That the said Episcopal Parish shall have the same authorities and powers in granting, voting, assessing and collecting taxes for the maintenance of a minister and the support of public worship, which congregational parishes have or may enjoy, by virtue of any general statute of this Commonwealth. And assessments of taxes lawfully granted and made for the said Episcopal Parish, remaining due and unpaid after six months notice thereof, shall be recoverable

Method of joining the society.

Proviso.

Method of leaving the society.

Power to sell.

Proviso.

(1816 ch. 106.)

Collection of taxes.

ble by an action at law, in their name to be brought, as for sums of money due and owing to the said parish, against the parties liable therefor, their executors or administrators.

SECT. 5. *Be it further enacted*, That the first meeting of the said Episcopal Parish, shall be holden on Easter Monday, being the fifteenth day of April next; and an annual meeting of the said parish shall be afterwards holden on Easter Monday in every year, at their said church, in Hanover, or such other place and at such hour of the day as their Wardens and Vestry for the time being shall or may appoint. And at such first meeting, and at such annual meeting afterwards, or at some adjournment thereof, the members of the said Episcopal Parish there assembled, shall choose their Wardens and Vestry, Clerk, Treasurer, and any other suitable officer or officers, for the management of the affairs of the said Corporation; and the annual taxes and assessments of the said parish, shall and may be voted and granted; and by standing rules, or otherwise, the mode of assessing and collecting taxes, of calling and notifying meetings, and the duties and authorities of the Wardens and Vestry, and other officers of the said corporation, and the manner in which vacancies happening by death, resignation or otherwise, shall be supplied, shall and may be agreed upon and determined. [Feb. 25, 1811.] See 1816 ch. 106.

Time of holding meetings.

Election of officers.

Powers and duties.

An Act supplementary to "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 eleven, be, and hereby is allowed to said corporation to complete their said Turnpike Road, any thing in the original act of incorporation, or any additional Act to the same Act heretofore passed to the contrary notwithstanding. [Feb. 25, 1811.]

Chap. 76.
1802 ch. 67.
(V. 3. p. 78.)
1807 ch. 87. 88.

An Act establishing The Sandy Bay Pier 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 Josiah Haskell, jun. David Story, and Nehemiah Knowlton, and all such persons as are or shall be associated with them and their successors, shall be a corporation, by the name of The Sandy Bay Pier Company, and shall by that name sue and be sued, implead and be impleaded, and shall and may appear, prosecute and defend in all actions or suits for or against them, until final judgment, execution and satisfaction; and they shall have a common seal, and shall be capable in law to take by purchase or otherwise, and to hold and convey real estate; *Provided*, that the whole real estate which the company may at any one time hold or possess, in their corporate capacity, shall not exceed thirty thousand dollars in value.

Chap. 77.

Persons incorporated.

Proviso.

SECT. 2. *Be it further enacted*, That the said Pier shall be erected upon the westerly side of Bearskin Neck (so called) in

Conditions of building.

Sandy Bay, in Gloucester, in the county of Essex, to be built of stone, and to commence at a sufficient distance from high water mark, and to run south eighty-four degrees west to a turn, thence to continue with a southerly inclination to the channel, the whole distance being two hundred and eighty-seven feet, more or less, and to be not less than sixty feet wide throughout, together with a projection twenty feet square, adjoining the head of said pier, upon the south side.

Time of meeting.

SECT. 3. *Be it further enacted*, That the said Haskell, Story, and Knowlton, or either of them, may call a meeting of said corporation, by advertising the same in any of the public newspapers printed in the county of Essex, 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: *Provided however*, that no person shall have more than five votes, and absent proprietors may vote by proxy, authorized in writing, and the proprietors of said corporation may at any legal meeting, adopt such by-laws, rules and regulations, as shall be necessary and convenient for the management of their affairs, *provided* the same are not repugnant to the laws or constitution of this Commonwealth.

Proviso.

Manner of holding shares.

(1804 ch. 83.)

SECT. 4. *Be it further enacted*, That the shares of any person in said Pier Company may be attached on mesne process, or taken and sold on execution, in the manner pointed out by an Act, entitled, "An Act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies."

SECT. 5. *Be it further enacted*, That the shares of each proprietor, in said corporate property, shall be, and be considered in all respects personal estate, and shall be transferred in such manner as the proprietors by their by-laws shall provide and direct. [Feb. 25, 1811.]

Chap. 83.

An Act to incorporate The Bible Society of Salem, and its vicinity.

Preamble.

WHEREAS, the persons hereafter named, with many other citizens of this Commonwealth, have formed themselves into a society, for the purpose of raising a fund by voluntary contribution, to be appropriated in procuring Bibles and Testaments, of the version in common use in the churches of New-England, for distribution among all persons inhabiting within the State or elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without the aid of others; and whereas, in order that the pious and laudable objects of said society may be better carried into effect, and the charity of said society more extensively diffused, they have, by their committee, prayed for an Act of incorporation.

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 Honourable Israel Thorndike, Reverend Manasseh Cutler, LL. D. Rev. Benjamin Wadsworth, Rev. Thomas Barnard, D. D. Rev. John Prince, LL. D. Rev. Samuel Worcester, Mr. William Orne, Rev. Abiel Abbot, Moses Brown, Esq. Rev. Rufus Anderson, Hon. Timothy Pickering, Hon. William Reed, and Captain Jonathan Ingersol, together with those who have associated and who may hereafter associate with them, for the purposes aforesaid, be, and they hereby are incorporated into a society, by the name of The Bible Society of Salem, and its vicinity.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said Israel Thorndike and others, with their associates, shall be, and remain a body corporate, by the said name and title during the pleasure of the Legislature, and may have a seal, which they may alter at pleasure; and the said society shall be capable of taking and receiving from any persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands and tenements, in fee simple or otherwise, and donations, bequests, and subscriptions of money or other property, to be used and improved for the purposes aforesaid.

Possession of property allowed.

SECT. 3. *Be it further enacted,* That the said corporation shall be, and hereby are empowered to purchase and hold any real estate, other than that which may be given as aforesaid. *Provided,* That the value of the whole estate, real or personal of said society, shall not exceed the sum of one hundred thousand dollars.

Proviso.

SECT. 4. *Be it further enacted,* That the said society may sue and be sued, in their corporate capacity, and may appoint an agent or agents, to prosecute and defend suits, with power of substitution.

SECT. 5. *Be it further enacted,* That said society may choose a President, Vice President, Treasurer, Secretary, Trustees, and such other officers as they shall see fit, and may make and establish such rules and regulations as to them shall appear necessary. *Provided* the same be not repugnant to the laws or constitution of this Commonwealth.

Officers to be elected.

SECT. 6. *Be it further enacted,* That Israel Thorndike and Manasseh Cutler, or either of them, be, and they are hereby authorized, by notification in the Salem Gazette and Essex Register, to appoint the time and place of the first meeting of said society, at which meeting the said society may appoint the time and place of their annual and other meetings, and the manner of notifying the same; may choose the officers aforesaid, may prescribe their duty, and may vest in the trustees, (the number of which may be determined by the said society, but shall not exceed thirty,) such powers, conformable to the principles of this institution, as shall be deemed necessary. [Feb. 26, 1811.]

Time of holding meeting.

Chap. 85. An ACT to establish The Baptist and Independent Society in Chester, in the county of 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 Samuel Bell, Daniel Bigelow, Joseph A. Rust, Samuel Russell, Harvy Bodurtha, Daniel Smith, John Stephens, James Wilcox, James Nooney, William Nooney, Grove Wenchell, Noah Ellis, Samuel Ormsby, Daniel Sizer, Jonathan Webber, jun. Hiram Moor, Lewis Wright, Elisha Wilcox, Elisha Wilcox, jun. Asa Wilcox, Samuel Bell, jun. Aaron Egles-ton, William Quigley, jun. James Briggs, Nathaniel Goodwell, William Henry, Abner Masters, Cephas Stow, Samuel Wait, Andrew Henry, Weeden Stanton, Samuel White, John Stevens, William Wythe, Boswell Moore, Jonathan Melven, David Mann, Silas Griffin, Nathan Seward, Roger Gibson, Samuel Sampson, Edmund Gilmore, Martin Calver, Hezekiah Elsworth, Eli Johnson, William Sizer, jun. James Elder, Azael French, Ezekiel Suire, Zadock Ingols, James Campbell, second, Jere Bodurtha, Horace Sizer, Asher Stanton, Salathiel Judd, George Nye, Asa Ayers, Stephen Dewey, John Dewey, Salah Day, Joshua Stevens, Martin Phelps, Moses Warner, George Stewart, John Warner, Joel Seward, Abner Smith, Othniel Belden, Alven Campbell, Ira Day, Seth Phelps, Artemas Elder, David Wells, John C. Bell, James Bell, second, William Hamilton, Nathaniel Coomes, Samuel Otis, Seth Wait, Pharez Clark, John Hunter, James Ingolls, Elijah Mack, Jacob Day, James Gilmore, Charles Calver, Aaron Hunter, Joab Smith, Jonathan Wait, Sylvester Belden, James Flemming, Joseph Shoats, and Matthew Campbell, together with such others as have or may hereafter associate with them and their successors, with their families, polls and estates, be, and they are hereby incorporated into a religious society, by the name of The Baptist and Independent Society in Chester, 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.

Society's title.

Method of
joining the so-
ciety.

SECT. 2. *Be it further enacted,* That any person in the town of Chester, being of the Baptist or Independent 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 said town of Chester, with a certificate of 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 society, fifteen days previous to the annual town or parish meetings, shall, from and after giving in such certificate, with his or her polls and estates, be considered as part of and belonging to said society.

Method of
leaving the so-
ciety.

SECT. 3. *Be it further enacted,* That if any member of said society shall at any time hereafter see cause to leave the same, and unite in religious worship with the other society in said town of Chester, and shall declare such intention, in writing, to the minister or clerk of said society, fifteen days before the first Monday of March in such year, such person shall, from

and after declaring such intention, with his or her polls and estates, be considered as belonging to the said other society.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Hampshire, is hereby authorized to issue his warrant to some member of said Baptist and Independent 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 all such officers as other parishes or religious societies are by law authorized to choose in the month of March or April annually. [Feb. 26, 1811.]

Justice to issue warrant.

An ACT to set off Gideon Hawley, Esq. with his poll and estate from the District of Marshpee, to the town of Sandwich, in the county of Barnstable. Chap. 87.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Hawley, Esq. of the plantation of Marshpee, in the county of Barnstable, with his poll and estate, situate in Marshpee, aforesaid, be set off from Marshpee, aforesaid, and annexed to the town of Sandwich, in the county of Barnstable, and that the said Gideon be entitled from the passing of this Act, to all the rights and privileges of an inhabitant of the town of Sandwich, aforesaid. [Feb. 26, 1811.]

An ACT to establish the Baptist Society of Newbury and Newburyport.

Chap. 89.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Henry Merrill, Jesse Dorman, Ebenezer Pulcifer, Joseph Young, Joseph Loveitt, Jonathan C. Lewis, John Gilman, W. Gilman, Eben Runnells, John Knowlton, Southey Parker, John Hale, Dennis O'Brien, Abijah Wheeler, Emanuel Seward, John Page, Thomas Ordway, Joseph O'Brien, Enoch Pike, James Brackett, William Holleday, Robert Pierson, and Billings Putnam, and such others as now are, and hereafter may be associated with them in their particular religious persuasion and belief, with their polls and estates, be, and they hereby are incorporated, by the name of the Baptist Society of Newbury and Newburyport, with all the privileges, powers and immunities to which other parishes or religious societies in this Commonwealth are entitled.

Persons incorporated.

SECT. 2. *Be it further enacted*, That any person who may hereafter actually become a member of, and unite in religious worship with the said Baptist society, and shall, fourteen days previous to the annual parish meeting, in the month of March or April, give in his or her name to the clerk of the parish to which such person may belong, together with a certificate, signed by the minister or clerk of said Baptist society, setting forth that he or she hath actually become a member of and united in religious worship with said Baptist society, and has constantly attended public worship with the same, for at least one year preceding the date of such certificate, shall, from and after giving such certificate, and his or her name as aforesaid, be considered, with his or her polls and estates, as members of and belonging unto said Baptist society. *Provided however*, that all such persons shall be holden to pay their proportion of all monies assessed in the parish to which they belonged previous to that time

Method of joining the society.

Method of leaving the society.

SECT. 3. *Be it further enacted*, That when any member of said Baptist society shall see cause or be inclined to leave said society, and join in religious worship with any other society, and shall, fourteen days previous to their annual parish meeting in the month of March or April, leave a certificate with the clerk of the Baptist society aforesaid, signed by the minister or clerk of the parish with which he or she hath united themselves, setting forth that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, and has constantly attended public worship with the same for at least one year preceding the date of such certificate, and shall pay his or her proportion of monies voted in said Baptist society to be raised previous thereto, such person, with his or her polls and estate shall, from and after giving such certificate to the clerk of said Baptist society as aforesaid, be considered as a member of the society to which he or she hath so united.

Justice to issue warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Essex, is hereby authorized to issue his warrant to some principal member of said Baptist society, requiring him to notify all the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place, mentioned in said warrant, to choose all such officers as parishes are by law required to choose in the month of March or April annually. [*Feb.* 26, 1811.] Add. act—1811 ch. 107.

Chap. 93.

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, Roger King, of Brewster, in the county of Barnstable, shall be allowed to take the name of Elkanah King; that Quintus Carolus Turner, of Scituate, in the county of Plymouth, be allowed to take the name of Charles Henry Turner; that George Hodges, of Salem, in the county of Essex, be allowed to take the name of George Atkinson Hodges; that John Stinson, of Woolwich, in the county of Lincoln, be allowed to take the name of John Robinson Stinson; that Isaac Rea, and Ebenezer Rea, both of Beverly, in the county of Essex, be allowed to take the surname of Ray; that William Caldwell, the fourth, of Newburyport, in the county of Essex, be allowed to take the name of William Warner Caldwell; that Molly Clark, of Brewster, in the county of Barnstable, take the name of Mary Paddock Clark; that William Bancroft, jun. of Charlestown, in the county of Middlesex, be allowed to take the name of William Austin Bancroft; that Abel Coffin, son of Jonathan Coffin, of Nantucket, in the county of Nantucket, take the name of Abel C. Coffin; that Dyer Peters, of Ellsworth, in the county of Hancock, take the name of Edward Dyer Peters; that John Saunders, of Danvers, in the county of Essex, be allowed to take the name of John Wallis Saunders; that Jonathan Crosby, of Stow, in the county of Middlesex, be allowed to take the name of Salvo Crosby; that William Coolidge, of Boston, in the county of Suffolk, take the

name of William Clark Coolidge; that Alexander Wheelock, of Boston, in the county of Suffolk, be allowed to take the name of Abel Wheelock; that Isaac Foster, of Brunswick, in the county of Cumberland, be allowed to take the name of Ferris De Ayr Foster; that Thomas Davis, of Sidney, in the county of Kennebeck, be allowed to take the name of Charles Stewart Davis; that Samuel Derby, of Salem, in the county of Essex, be allowed to take the name of Samuel Barton Derby; that Samuel Ayer, the third, of Haverhill, in the county of Essex, be allowed to take the name of Samuel W. Ayer; that John Carter, of Boston, in the county of Suffolk, be allowed to take the name of John S. Carter; that John Foster, jun. of Boston, in the county of Suffolk, son of the Reverend John Foster, of Brighton, be allowed to take the name of John Standish Foster; that John Bacon, of Boston, in the county of Suffolk, be allowed to take the name of John Arno Bacon; that Alderman Hyde, of New Marlborough, in the county of Berkshire, be allowed to take the name of James Alderman Hyde; that Asa Wilder, of Newburyport, in the county of Essex, be allowed to take the name of Asa Waldo Wilder; that Abijah Peirce Hoar, of Charlestown, son of Samuel Hoar, of Lincoln, in the county of Middlesex, be allowed to take the name of Abijah Hoar Peirce; that Peter Brigham, of Boston, in the county of Suffolk, be allowed to take the name of Peter Welles Brigham; that Peter Thacher, of Boston, in the county of Suffolk, Esq. be allowed to take the name of Peter Oxenbridge Thacher;— 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 said names, and the said names shall hereafter be considered as their only proper names, to all intents and purposes. [Feb. 26, 1811.]

An ACT to incorporate Ebenezer Burt and others, by the name of the Ware Mining Company.

Chap. 96.

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 Burt, Thomas Snell, Judah Marsh, Joseph Luce, Ichabod Randell, Titus Randell, Lemuel Randell, Ichabod Randell, Isaac Burt, Jabez Town, Ebenezer Cutler, Benjamin Rider, Henry Higgens, Aquila Collins, Samuel Pike, and Samuel Bent, with such others as already 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 Ware Mining Company, for the purpose of exploring, digging, and working any ore, minerals, metals, or fossils, in the town of Ware, in the county of Hampshire; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

Powers and duties.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said company may be lawfully seized and possessed of such real estate within the

Possession of property allowed.

town of Ware, not exceeding the value of eighty thousand dollars, and such personal estate not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the business of exploring, digging and working any ore, minerals, metals, or fossils, in the town of Ware. [*Feb.* 27, 1811.]

Chap. 100.

An ACT to incorporate Moses Hall and others into a religious society, by the name of the First Universalist Society in Charlestown.

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 Moses Hall, John Kettell, Samuel Townsend, Timothy Thompson, jun. Isaac Smith, Samuel Thompson, Andrew Roulstone, Isaac Mead, David Smith, Isaac Sweetser, Thomas Harris, Barnabas Edmands, Ebenezer F. Freeman, Daniel Manning, Granvil Smith, Thomas Edmands, John Tapley, Otis Clap, Josiah Harris, Benjamin Adams, Edward Adams, Thomas J. Goodwin, James Kimball, Henry Vanvoochies, Hendrick W. Gordon, Jesse Brown, and Benjamin Gleason, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated and made a body politic and religious society, by the name of the First Universalist Society in Charlestown, and by that name may sue and be sued, and shall be invested with all the powers and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only; and the said society shall be capable in law, to purchase and hold estate, real and personal, *provided* the annual income thereof shall not exceed at any one time the value of three thousand dollars.

Proviso.

Provision for defraying expenses.

SECT. 2. *Be it further enacted,* That the said society be, and they are hereby authorized and empowered to raise by assessment on the pews which may be made and built in any house, that may be hereafter erected by them, all such sum or sums of money, for the settlement and maintenance of a minister or ministers, repairing said house, and other expenses 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 or seats, as the proprietors or members as aforesaid, at any such meeting shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' books; and the sums so assessed shall be paid by the proprietors of such pews or 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 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 thirty days at least previous to the sale, by posting up notifications at the door of said house, and upon such sale to execute good and sufficient deed or deeds thereof, and after deducting said delinquent's assessment, with incidental charges,

the treasurer shall pay the overplus, if any there be, to such delinquent proprietor.

SECT. 3. *Be it further enacted*, That said society may have power to order and establish such regulations, rules and by-laws for their government, and for the management of their concerns, as they may see fit; *provided* the same are not repugnant to the laws of this Commonwealth.

SECT. 4. *Be it further enacted*, That John Kettell, Esq. or any other Justice of the Peace for the county of Middlesex, be, and hereby is authorized to issue his warrant to any member of said society, to notify and warn all the members thereof to meet, and assemble at such time and place as he shall therein appoint, and when so met and assembled to organize the society, by choosing a clerk, and all such other officers as other similar societies may elect, and the annual meeting of said society shall always be held in the month of March. [*Feb. 27, 1811.*]

Justice to issue
warrant.

An ACT to authorize the town of Groton to sell certain real estate devised to said town.

Chap. 102.

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 Groton be, and they are hereby authorized and fully empowered to sell, and execute a deed or deeds, by a committee of three persons, or any two of them, to convey the whole or any part of the real estate devised to the said inhabitants in and by the last will and testament of Josiah Sawtell, Esq. late of said Groton, deceased, for the support of a gospel minister in said town, as expressed in said will, and such deed or deeds executed in due form of law, shall be valid and effectual to convey such real estate, and the proceeds of any such sales shall be paid over by such committee, or any two of them, to the trustees of Groton Ministerial Fund, and be denominated "The Sawtell donation for the support of a gospel minister in the first parish in Groton," and shall be preserved, managed and appropriated by said trustees, as by law they are required to preserve, manage, and appropriate any other funds in their hands, or under their care. [*Feb. 27, 1811.*]

An ACT to annex a part of the town of Tyringham to the town of New Marlboro', in the county of Berkshire.

Chap. 103.

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 the same is hereby set off from the town of Tyringham, and annexed to the town of New Marlboro', in the county of Berkshire, viz.—Beginning on the line between New Marlboro' and Tyringham, on the west side of Six Mile Pond, thence west on the said line two hundred and fifty-eight rods, to the south-west corner of said Tyringham; thence north, on the line between Great Barrington and said Tyringham, one hundred and eighty-four rods, to the north-west corner of land of John Gibson; thence east thirty-seven degrees south, to the west bank of said Six Mile Pond; thence on the west side of said pond to the

first mentioned corner, containing about one hundred and fifty acres; and the said tract is annexed to, and made a part of the said town of New Marlboro', as fully and completely as if it had been originally incorporated therewith. [Feb. 27, 1811.]

Chap. 105. An ACT to incorporate Ezra Weston and others into a company, by the name of The Duxbury Marine Insurance Company.

Persons incor-
porated.

Name.

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 Ezra Weston, together with such others as have associated, or may hereafter associate with them, the petitioners for 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 Duxbury 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 and 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 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.

Directors.

President.

SECT. 3. *Be it further enacted,* That the stock, property and affairs of the 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 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 June in each and every year, at such time of the day and at such place in the town of Duxbury, 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, 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, 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

Proviso.

should on the said first Tuesday in June, not be chosen as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

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 death, resignation, or inability to serve, of the President or any of the Directors, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

Election of President.

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 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, not repugnant to the constitution or laws of this Commonwealth, 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 allowance to them and to the President, as to the said board shall seem meet.

By-laws, Rules, &c.

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 despatch 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 company, and all losses duly arising under any policy so subscribed, may be

Meetings of the Directors.

Provision in case of absence or death.

adjusted and settled by the President and Board of Directors, and the same shall be binding on the company.

Duties of the
Directors.

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 or 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 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, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Funds of the
company.

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 merchandise, or commodities whatsoever; and the capital of 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 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.

Monies due.

SECT. 9. *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 in said company shall be permitted or be valid, until all the instalments on such shares have been paid.

Officers' estate
accountable
for default.

SECT. 10. *Be it further enacted*, That in case of any loss or losses taking place 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; and no person being a Director of any company carrying on the business of Marine Insurance, shall be at the same time a Director of the company hereby established.

SECT. 11. *Be it further enacted*, That the President and Directors of the said company shall, previously to their subscrib-

ing to any policy, and once in every year after, publish in one newspaper, printed in Boston, 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 statement of the affairs of said company, and submit to an examination concerning the same under oath.

Proviso.

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 Duxbury, by advertising the same for three weeks successively in some one newspaper printed in Boston. [Feb. 27, 1811.]

Stockholders authorized to call meeting.

An Act to authorize the Town of Brewster to sell the Ministry Lands, and to appropriate the proceeds thereof towards the Ministerial Funds, and to appoint trustees for the management thereof.

Chap. 106.

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 the town of Brewster, for the time being, the treasurer and the clerk of the parish, and the deacons of the church for the time being, in the said town of Brewster, be, and they are hereby appointed and incorporated as trustees, by the name of The Trustees of the Brewster Ministry Fund, and by that name they and their successors in office shall be and continue a body politic and corporate forever, and they shall have a common seal, subject to alteration, and they 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 name aforesaid, and shall have all other powers which are incident to and necessarily belonging to the like corporations; and the said trustees and their successors may annually elect one of their number as President, and a Clerk to record the doings of the said Trustees, and a Treasurer to receive and pay the monies belonging to the said fund, according to the provisions of this Act, who shall give bond to the said trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this Act, and for all neglect or misconduct in his office.

Trustees appointed and incorporated.

Officers to be elected.

SECT. 2. *Be it further enacted*, That the said trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land belonging to the town of Brewster, which have been and are appropriated to the support of the ministry in the said town, and the monies arising from the sale of the said lands shall be put on interest, and shall form a fund for the support of the ministry in the said town, which shall be under the care and management of the said trustees, in the manner provided for and directed in this Act; and all gifts, grants, donations, bequests or legacies which have been

Authorized to sell lands.

or may be hereafter made, to and for the same use and purpose, shall be added to the said accumulating fund, and shall be under the same care and improvement of the trustees aforesaid, and when the said trustees shall loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate to the full value of the estate or land mortgaged, or money loaned, or by two or more sufficient sureties, with the principal, unless the said trustees shall think it best to invest the said proceeds in public funded securities or bank stock, which they shall have authority to do; and the interest, and that only, shall ever be appropriated for the uses aforesaid, and it shall never be in the power of the said trustees to alter or alienate the appropriation of the fund aforesaid, and the said trustees are hereby authorized to make and execute a good and sufficient deed or deeds of the said several lots of land, which shall be subscribed by the treasurer, and when duly executed, acknowledged and delivered by the direction of the said trustees, shall be valid and effectual in law to pass and convey the fee simple title from the town to the purchaser.

Monies to be secured.

SECT. 3. *Be it further enacted*, That the said trustees, treasurer, clerk, or other officers or persons, or persons employed by them, shall be entitled to receive no compensation for the services they may perform out of any monies belonging to the said fund, but a reasonable compensation shall be paid them by the town, and the said trustees, and each of them shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund; and the debt or damage recovered in such suit shall be to the use and disposal of the town; and the said trustees and treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the fund at the annual meeting in March or April.

Compensation allowed.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Barnstable, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the trustees named in this Act, requiring him to notify and call a meeting of the said trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the appointment of its officers. [Feb. 27, 1811.]

Justice to issue warrant.

Chap. 107.
1794 ch. 3.
(V. 1. p. 523.)

An ACT in further addition to an Act, entitled, "An Act for incorporating certain persons for the purpose of building a Bridge over Merrimack River, between the Towns of Haverhill and Newbury, in the county of Essex, 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 the proprietors of Merrimack Bridge be, and they are hereby authorized, from and after the first day of April next, to move the Lamp that is now placed on the end of the aforesaid bridge (next to Haverhill shore) to the centre of the first arch on the upper side of the said arch next to the aforesaid shore. [Feb. 27, 1811.] Further act—1812 ch. 1.

An ACT to set off Elias Smith from the town of Hadley, and annex him to the town of Amherst, in the county of Hampshire. Chap. 110.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elias Smith, his family and his buildings of every description, together with so much of the farm whereon he now lives, as lies on the east side of a line parallel with the present boundary line between the towns of Hadley and Amherst, and ten rods west of the westernmost part of his dwelling-house, be, and they hereby are set off from the said town of Hadley, in the county of Hampshire, and annexed to the said town of Amherst, in the county aforesaid; and the said Elias and his family, shall hereafter be considered inhabitants of the town of Amherst, and shall there exercise and enjoy all their rights and privileges, and shall be subject to all duties and requisitions, in the like manner with the other inhabitants of said town of Amherst. Provided however, that the said Elias shall be holden to pay all taxes which have been legally assessed upon him by the town of Hadley, prior to the passing of this act. [Feb. 28, 1811.]

An ACT to preserve and regulate the taking or catching of fish called Smelts, in the Island River, so called, in the south part of the town of Malden, in the county of Middlesex. Chap. 112.

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 or persons to set and draw any seine, net, or drag nets in the Island River (so called) between Beacham's Point and a dam in said river, near the island so called, in said town of Malden, from the first day of October to the first day of May annually; and any person so offending herein, shall for each offence forfeit and pay a sum not more than twenty dollars, nor less than ten dollars, to be recovered by action of debt before any court proper to try the same, one half to the use of the town, and the other half to the use of him or them who may sue therefor. [Feb. 28, 1811.]

An ACT to set off Joshua Chase, of the town of Sutton, in the county of Worcester, from the South Parish, and annex him and his estate to the North Parish, in said town. Chap. 115.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joshua Chase, of Sutton, in the county of Worcester, with his poll and estate, lying and being in the said south parish of Sutton, be, and hereby is set off from the said south parish, and annexed to the north parish in said town. [Feb. 28, 1811.]

An ACT in addition to 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. Chap. 117.

BE 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 inhabitants of the towns of Ipswich, Hamilton, Topsfield, Reading, Danvers and Middleton, to take fish with seines, or drag nets in Ipswich river one day in each

1787 ch. 58.
(V. 1. p. 191.)
1792 ch. 88.
(V. 1. p. 451.)
1796 ch. 66.
(V. 2. p. 128.)
1804 ch. 90.
(V. 3. p. 524.)

week, which day shall be Wednesday, at such place in each town as the fish committees in said towns shall respectively direct, and under such regulations and restrictions as the towns aforesaid shall adopt, any thing in the act entitled "An act to prevent the destruction of alewives, and other fish in Ipswich river, and to encourage the increase of the same," to the contrary notwithstanding. [Feb. 28, 1811.] Further acts—1812 ch. 127: 1814 ch. 22.

Chap. 118. An ACT to establish a Methodist Society in the towns of Falmouth and Sandwich.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Barney Merchant, Barney Hammond, Nathaniel Hammond, Sylvanus Hammond, William Shearman, Seth Robinson, Barnabas Chadwick, jun. Nathaniel Nye, Ruth Hatch, Benoni Nickerson, Benjamin Smith, Robert Hammond, Luke W. Phelps, Peter Yost, Hugh G. Donaldson, Major Hatch, Barnabas Price, Jonathan Green, Rufus Butler, John Gorham, Joseph Palmer, David Hatch, jun. Ephraim Parker, William Nye, Elijah Nickerson, Ebenezer Wicks, Joshua Jenkins, Solomon Green, John Tobey, Benoni Studley, Timothy Bourne, Isaiah Fish, Malachi Davis, Ebenezer Studley, Hiram Chase, Obadiah Baker, James Bourne, Lothrop Lewis, Israel Bourne, Samuel Nye, Jonathan Parker, and John Edwards, all of Falmouth; David Dimmick, Moses Nye, Samuel Swift, Ward Swift, Jeremy Alney, Moses Swift, William Handy, Archelaus Tobey, Thomas Wing, John Witherill, David Wing, Isaiah Godfrey, Silas Perry, Covell Burgess, Crowell Burgess, Perez Burgess, John Perry, Arther Perry, John Finney, Jabez Finney, Edward Finney, John Finney, jun. Samuel Nye, Stephen Swift, Benjamin Bourne, Samuel Drödy, Nathaniel Nye, John Dillingham, Levi Nye, David Bates, Elijah Bates, and Zacheus Hatch, all of Sandwich, together with their families and estates, and such others within the said towns of Falmouth and Sandwich, as may hereafter associate and join with them, be, and they are hereby incorporated into a religious society, by the name of The Methodist Society in Falmouth and Sandwich, with all the powers, privileges and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.

SECT 2. *Be it further enacted,* That any person, in either of the aforesaid towns of Falmouth and Sandwich, who may at any time hereafter be desirous to unite with and shall become a member of said Methodist Society, shall declare such intention, in writing, by giving in his or her name to the minister or clerk of said Methodist Society, and shall receive a certificate of membership, signed by the minister, class-leader, or clerk of the said society, that he or she has united in religious worship with, and become a member of said Methodist Society, 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 giving in such certificate, with

Persons incor-
porated.

Method of join-
ing the society.

his or her polls and estates, be considered as 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.

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, and 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 or clerk of such society, that he or she has united in religious worship with and hath become a member of such society, and shall leave an attested copy with the clerk of said Methodist Society, such person shall, from giving in such certificate, with his or her polls and estates, 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 another.

Method of leaving the society.

SECT. 4. *Be it further enacted*, That any Justice of the Peace in the county of Barnstable, be, and he is hereby authorized to issue his warrant, directed to some suitable member of the said 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.

Justice to issue warrant.

SECT. 5. *Be it further enacted*, That the members of the Methodist Society aforesaid, be, and hereby are empowered to receive and hold by deed in fee, such land as may be necessary for a meeting house lot, burying ground, and a small settlement for their ministers in each of the towns aforesaid. [Feb. 28, 1811.]

Empowered to hold estate.

An Act in addition to an Act, entitled, An Act to establish the Middlesex Turnpike Corporation, and to the several acts in addition thereto.

Chap. 120.
1805 ch. 12.
(V. 3. p. 611.)
1809 ch. 129.

WHEREAS, by an act of the Legislature, passed March 6, 1810, it was provided that a part of the Middlesex Turnpike Road which had been laid out and partly made in the towns of West Cambridge and Lexington, viz. from a point in the old road in said Lexington, below the house of Joseph Harrington, to a point in the old road in said West Cambridge, near John Frost's blacksmith's shop, should be changed and altered, and instead thereof the course of said road should be from said point in Lexington, in the nearest practicable rout to a point in the old road in said West Cambridge, near the foot of the rocks (so called); *Provided*, the inhabitants of said West Cambridge should lay out and make said last mentioned piece of road for the use and benefit of said Turnpike Corporation. Now the said inhabitants of West Cambridge, having procured said road to be laid out and made, yet the same cannot accrue to the use and benefit of said corporation, because said piece

Preamble.

of road was not laid out as a part of said Turnpike road, but as a County road, and is recorded and established as such—
Therefore,

Road annexed
to Turnpike.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That said piece of road, from a point in the old road in Lexington, below the house of Joseph Harrington, to a point in the old road in West Cambridge, near the foot of the rocks (so called) as the same is now laid out and made, shall and may become a part of the Middlesex turnpike road, extending from Biscuit Bridge, in Tyngsborough, to Cambridge-Port, all which road is hereby established as fully as it could have been had it been all laid out under the Turnpike Act, according to law. And said corporation are hereby authorized to erect one of their gates on any part of said piece of road, between said point in Lexington and said point in West Cambridge, near the foot of the rocks (so called), any thing in the general Turnpike Law to the contrary notwithstanding. [Feb. 28, 1811.] Further acts—1811 ch. 28: 1819 ch. 62.

(Altered by
1811 ch. 29.)

Chap. 122.

An ACT establishing The Sutton and Charlton Cotton, Woollen and Linen Association.

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 Estes Howe, Aaron Tufts, and John Spurr, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation, by the name of The Sutton and Charlton Cotton, Woolley, and Linen Association; for the purpose of manufacturing cotton, woollen and flax in the county of Worcester, and for that purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an act, entitled "An act defining the general powers and duties of manufacturing corporations," passed the third day of March, one thousand eight hundred and nine.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That the said corporation in their corporate capacity shall and may lawfully hold and possess real estate, not exceeding forty thousand dollars, and personal estate not exceeding one hundred and twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, woollen and linen in the said county of Worcester. [Feb. 28, 1811.]

Chap. 124.

An ACT to prevent Livery Stables being erected in certain places in the town of Boston.

Livery Sta-
bles.

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, no building shall be erected within the town of Boston, and used and improved as a stable, for the taking in and keeping horses or chaises, or other carriages, upon hire, or to let, commonly called Livery Stables, within one hundred and seventy feet of any church or meeting house, erected for the public worship

of God. *Provided however*, that this act shall not be so construed as to prevent the finishing of any stable which has been in part erected, if the completion thereof shall be approved by the Selectmen of the town of Boston. Proviso.

SECT. 2. *Be it further enacted*, That for any offence against the provision of this act, the owner or owners, keeper or keepers of such building shall forfeit and pay the sum of one hundred dollars for every calendar month during which the same shall be so used and improved, to be recovered by action of debt, one half thereof to enure to the use of the poor of the town of Boston, and the other half thereof to him or them who shall sue for the same. [*Feb. 28, 1811.*] Forfeiture.

An ACT regulating the taking of fish called alewives, in Mill-River and Mill-brook, in the town of Duxbury. Chap. 126.

WHEREAS, Abner Harlow, of said Duxbury, is the owner of a mill-pond, lying on the source of said Mill-Brook, and said pond being very convenient for the fish called alewives, to cast their spawn in— 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 fish called alewives, may be taken by the said Abner Harlow, or by whoever shall hereafter be the legal owner or owners of said mill-pond, in any part of said mill-brook, and at any time when it shall be most for his or their interest to take said fish under such regulations and restrictions as is hereafter provided.

SECT. 2. *Be it further enacted*, That the inhabitants of said town of Duxbury, at their meeting for the choice of town officers, in March or April annually, be, and they hereby are authorized and directed to appoint one person to oversee the taking of said fish, as aforesaid; and the fish so taken by the said Abner Harlow, or his successors as aforesaid, shall, under the direction of said person so chosen, be distributed as equally as circumstances will admit, to such of the inhabitants of said town as may apply for the same; and for fish so supplied and delivered, the said Abner Harlow, or his successors as aforesaid, shall demand and receive of the person or persons applying therefor, payment, at such rate or rates as the inhabitants of said town at their annual meeting in March or April, may direct; the said Abner Harlow, and his successors as aforesaid, to pay all the expense that may be incurred in the preservation, taking and disposing of said fish. Inhabitants authorized to choose overseers.

SECT. 3. *Be it further enacted*, That if any person or persons shall obstruct in any manner whatever the passage-way of said fish in any part of said river or brook, above Abraham's Island (so called) such person or persons so offending, shall forfeit and pay a sum not exceeding sixty dollars, nor less than thirty dollars. Forfeiture.

SECT. 4. *Be it further enacted*, That if any person or persons, other than the owner or the owners of the aforesaid mill-pond, or such person or persons as shall be by them employed,

Forfeiture. shall take any of the said fish in said river or brook, or in any part of either as aforesaid, at any time, or by any means whatsoever, each person so offending, shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, for every such offence.

Penalties incurred subject to suit. SECT. 5. *Be it further enacted*, That all penalties incurred by the breach of this act may be sued for and recovered, by the said Abner Harlow, or his successors, as aforesaid, in any court in the county of Plymouth, proper to try the same; and all sums so recovered, shall be appropriated, one moiety to the complainant, and the other moiety to the said Abner Harlow, or his successors as aforesaid; and in case any minor 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 accountable therefor; and in case of prosecution of such minor or minors, for any 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. [Feb. 28, 1811.]

Chap. 130. An ACT to incorporate The Proprietors of the New Meeting House, in the Town of Braintree.

Preamble. WHEREAS a number of persons associated in the month of March, in the year of our Lord one thousand eight hundred and ten, and did purchase a piece of ground, on which they have since erected and completed a new meeting house, for public worship, in the town of Braintree—

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 Minot Thayer, John White, Alexander White, John Hayward, Samuel Arnold, their associates and successors, be, and they hereby are constituted and made a corporation and body politic, by the name of The Proprietors of the Union Meeting House Corporation; and shall by that name sue and be sued, defend and be defended, in all actions in which said corporation may be concerned; have a common seal, which they may alter at pleasure, and may also ordain and establish such by-laws and regulations, and choose such officers as to them shall seem necessary. *Provided*, such by-laws and regulations shall be in no wise contrary to the laws of this Commonwealth.

Proviso.

Power to assess monies. SECT. 2. *Be it further enacted*, That said corporation shall have full power to assess upon the individuals composing the same, in proportion to the number of shares in said meeting house, subscribed for by each, such sum or sums of money as shall be sufficient to pay the debts now due from said corporation, and all necessary future charges, and to collect said assessments in such way and manner, and by such officers and agents as said corporation shall determine; and said corporation shall also have power, by such officers or committee as they shall appoint therefor, to execute deeds of pews in said

meeting house, to purchasers thereof, and to convey said meeting house, and the land thereto belonging, or any part of the same, to The Union Religious Society, or any member or members of the same, upon such conditions, and under such regulations as shall be agreed upon between said corporation and said society, or said members, reserving to individuals the pews owned and held by them respectively. (1810 ch. 50.)

SECT. 3. *Be it further enacted*, That each proprietor, or 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 ten votes. Right to vote. Proviso.

SECT. 4. *Be it further enacted*, That the several meetings heretofore held by the associates hereby incorporated, and all proceedings thereat, conformable to the original articles of their association, necessary to carry the same into effect, be, and hereby are confirmed and made valid in law, and the officers and agents heretofore chosen by said associates, shall continue officers and agents of this corporation, until others shall be chosen in their stead.

SECT. 5. *Be it further enacted*, That any Justice of the Peace in the towns of Weymouth or Braintree, is authorized to fix the time and place of holding the first meeting of the proprietors, by causing a written notification (certifying the purposes for which said meeting is called) to be posted up on the west door of the meeting house, ten days at least previous to said meeting. [Feb. 28, 1811.] Justice to fix time of meeting.

An ACT to incorporate Tristram Barnard and others, by the name of the Dorchester Cotton and Iron Factory.

Chap. 1.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Tristram Barnard, William Bordman, Joshua Davis, Caleb Loring, Thomas Curtis, and William Mackay, with such others as hereafter may associate with them, their successors or assigns, be, and hereby are made a corporation, by the name of the Dorchester Cotton and Iron Factory, for the purpose of manufacturing cotton and iron in the town of Dorchester, 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 third day of March, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

(1808 ch. 65.)

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 possessed of such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and iron in the said town of Dorchester. [June 13, 1811.]

Possession of property allowed.

An ACT in addition to an Act, entitled, "An Act in addition to an Act, entitled, An Act to incorporate Isaac Story, and others, by the name of The Marblehead Social Insurance Company."

Chap. 2.

1809 ch. 14.

1810 ch. 18.

BE it enacted by the Senate and House of Representatives, in

Term extend-
ed.

(Extended
1813 ch. 8.
1817 ch. 24.
1819 ch. 9.)

Provisp.

General Court assembled, and by the authority of the same, That the further term of two years from and after the seventeenth day of June next, be allowed to the stockholders in the Marblehead Social Insurance Company, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company; and that the said residue shall be paid in at such times, and in such proportions within the period aforesaid, as the directors of the said company shall order or appoint, any thing in the act for incorporating said company, or in the act to which this act is in addition, to the contrary notwithstanding. Provided however, That nothing in this act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner, and for the purposes mentioned in the seventh section of the said act of incorporation. [June 13, 1811.] Further acts—1813 ch. 8 : 1817 ch. 24 : 1819 ch. 9.

Chap. 3.
1809 ch. 35.
1810 ch. 3.

An ACT in further addition to an Act, entitled, "An Act to incorporate Nicholas Thorndike and others, into a company, by the name of The Beverly Marine Insurance Company."

Term extend-
ed.

(Further time
1813 ch. 1.
1816 ch. 54.)

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of two years from and after the twenty-third day of August next, be allowed to the stockholders in the Beverly Marine Insurance Company, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company. And that the said residue shall be paid in at such times, and in such proportions, within the period aforesaid, as the directors of the said company shall order or appoint, any thing in the act for incorporating said company, or in the act to which this act is in addition to the contrary notwithstanding. Provided however, That nothing in this act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner, and for the purposes mentioned in the tenth section of the said act of incorporation. [June 13, 1811.] Further acts—1813 ch. 1 : 1816 ch. 54 : 1821 ch. 36.

Chap. 4.

Materials and
method of
building.

(Repealed by
1812 ch. 9.)

Proviso.

An ACT to secure the Town of Newburyport from damage by Fire.

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, no building of any kind whatsoever, which shall be more than ten feet high from the ground to the highest point in the roof thereof, shall be placed, erected, or built within the town of Newburyport, in the county of Essex, unless all the external sides and ends thereof, shall be built or composed of brick or stone, except so much as may be necessary for doors and windows, and all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations in part or in whole, shall be deemed and considered within the restrictions and regulations of this act. Provided nevertheless, That upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Selectmen and Firewards of said town, or the major part of them in writing, wooden buildings of not more than two stories high may be erected, and the permission so given, shall within ten days next after the same may be so given, be recorded in the records of said town : and provided also, that on permission as aforesaid, wooden buildings may be erected on any part of the ground in said town, lying on the southerly and southwesterly side of High Street so called.*

SECT. 2. *And be it further enacted by the authority aforesaid,* That all and every person, or persons who shall erect, place, or add to, or cause to be erected, placed, or added to, any building or buildings, in said town of Newburyport, contrary to the true intent and meaning, and against the provisions of this act, shall forfeit and pay a fine of not less than fifty dollars, nor more than one thousand dollars, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court, in the county of Essex, which information it shall be the duty of the Attorney General, and Solicitor General to file in all cases which may come to his knowledge, or by indictment before said court. Fine in case of forfeiture.

SECT. 3. *And be it further enacted,* That in addition to the fines above mentioned, there shall be laid and assessed upon every house, or other building, which shall be erected, placed or built, contrary to the provisions of this act, the sum of fifty dollars annually, and every year, until the same shall be removed, and it shall be the duty of the assessors of said town to assess upon the owner or owners of such building or buildings, for the time being the said sum of fifty dollars in addition to his, her, or their other taxes, to be collected in the same way and manner other taxes are or shall be collected, and the same remedy is hereby given to the collector or collectors of taxes for the recovery thereof. *Provided nevertheless,* That no such annual tax shall be assessed on any building in said town, until it shall have been made to appear in the Supreme Judicial Court, that such building has been erected, placed, or built in said town contrary to the provisions and restrictions of this act. [June 14, 1811.] Add. act—1812 ch. 9. Assessment. Proviso.

An Act establishing the Holden Cotton and Wool Manufactory.

Chap. 5.

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 Eastabrook, Eleazer Rider, Abner Perry, Asa Greenwood, Joseph Rider, and Nathaniel Rider, together with such other persons as may hereafter associate with them, their successors and assigns, be and hereby are made a corporation, by the name of The Holden Cotton and Wool Manufactory, for the purpose of manufacturing cotton and wool in the town of Holden, in the county of Worcester, 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 in the year of our Lord, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations." Persons incorporated. 1808 ch. 65.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding thirty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton and wool in Holden aforesaid. [June 17, 1811.] Possession of property allowed.

An Act for allowing further time to the Stoughton Turnpike Corporation for completing their Road.

Chap. 11.
1806 ch. 19.

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 eleven, 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. [June 19, 1811.]

Chap. 13.

An Act to alter and establish the Line between the Towns of Dana and Greenwich.

Boundaries
described.

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 Dana in the county of Worcester, and Greenwich in the county of Hampshire, shall henceforth be as is herein described, viz. beginning at the southeast corner of New-Salem, thence east forty-six rods to land of William Cutler and William Cutter, thence south nineteen degrees west, ninety-six rods to a stake and stones, thence east forty-six rods to a stake and stones; thence south one hundred and forty-six rods to a heap of stones on a rock, thence east fifty-four rods and one half rod to a maple tree, and a heap of stones, thence south two degrees and one half degree west, seventy-seven rods to a stake and stones; thence south forty degrees west, sixteen rods to a white oak tree, thence south twenty degrees east, thirty-two rods to a large pine tree, south twenty-one degrees west, forty-four rods to a heap of stones, west two degrees and half a degree north, thirteen rods and half a rod to a stake and stones; thence south twenty degrees west, sixty-seven rods to a heap of stones on a rock, thence east twenty-four degrees south, fifty-five rods to a heap of stones; south eight degrees west, two hundred and nine rods, to a heap of stones; east fourteen degrees south, one hundred and thirty rods and half a rod; north forty degrees east, twenty rods, to Benjamin Richardson's corner; east forty degrees south, one hundred and sixty-eight rods, to a stake and stones; being the south-east corner of said Richardson's land; thence south thirty-seven degrees west, one hundred and nine rods to a heap of stones in the west line of land belonging to Ephraim Thayer. [June 19, 1811.]

Chap. 14.

An Act to annex a part of the Town of Sharon to the Town of Walpole, in the County of Norfolk.

Tract of land
set off.

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 situate in Sharon, belonging to the heirs of Jonathan Fales, late of Walpole, deceased, containing twelve acres and three quarters, bounded easterly on land of the heirs of Ebenezer Baker, deceased, southerly on land of Oliver Clap, westerly on the Norfolk and Bristol Turnpike, northerly on land of David Allen, in a direct line of the dividing line between said towns, and the said tract above described, be, and the same is hereby set off from the town of Sharon, and annexed to the town of Walpole. [June 21, 1811.]

Chap. 15.

An Act to annex Peter Tufts, and a part of his estate, to the town of Charlestown, 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 same, That Peter Tufts with his family, and that part of his estate lying in Medford, in said county of Middlesex, bounding northwesterly on the road leading to Medford bridge, northeasterly on land of Samuel Dexter, Esq. southwesterly on the road leading to Charlestown, the same being a triangular parcel of land of about five acres, together with all the buildings thereon standing, be, and is hereby set off from the town of Medford aforesaid, and annexed to the town of Charlestown, in said county of Middlesex. Provided however, That the said Peter Tufts with said estate shall be holden to pay his proportion of all taxes now granted, assessed or ordered to be assessed by said town of Medford, in the same manner as they would have been if this act had not passed. [June 21, 1811.]

AN ACT to incorporate The First Baptist Society in the Town of Rowley.

Chap. 16.

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 Morse, Moses Tenny, Joseph Pearson, Thomas R. Larkin, Nathaniel Harriman, Parker Smith, John Savory, William Savory, Silas Hardy, Solomon Hale, Samuel Harriman, Richard Dow, Francis Hills, William Woodman, Obadiah Hills, jr. Samuel Wheeler, Obadiah Hills, Oliver Dole, Joshua Dummer, Samuel Dummer, jun. John Thurla, Ebben Pearson, Joseph Hardy, Moses Harriman, Richard Kent, Amos Pillsbury, Samuel Wood, Nathan Longfellow, John Pearson, John Thurla jun. Elihu Pearson, Moses W. Thurla, Abner M. Cheney, Enoch Little, Benjamin Plumer, David Poor, Daniel Poor, jun. Benjamin Emerson, Thomas Nelson, Timothy Morse, jun. Joseph S. Peabody, Artemas W. Perley, Stephen Dole, Daniel Cheney, Benjamin Jacobs, Peter Cloughlin, Paul Stickney, Jacob Lowell, Joseph Floyd, Samuel Dummer and Benjamin Chaplin, members of said religious society, together with their polls and estates, be, and they are hereby incorporated by the name of The First Baptist Religious Society in Rowley, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are by law entitled.*

Persons incorporated.

SECT. 2. *And be it further enacted, That any person in the town of Rowley, or in the adjoining towns who may at any time hereafter actually become a member of, and unite in religious worship with said society, in said Rowley, and give in his or her name to the clerk of the parish to which he or she belonged, with a certificate signed by the minister and clerk of said society, or by a committee chosen for that purpose, that he or she hath actually become a member of, and united in religious worship with said Baptist religious society, in Rowley, fourteen days previous to the 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 a member of said society. Provided however, that such persons 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.*

Qualifications to constitute a member.

Requisite mea-
sures for leav-
ing the society.

SECT. 3. *And be it further enacted*, That when any member of said society, shall see cause to leave the same, and unite in religious worship with the society in the parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist religious society, with a certificate signed by the minister and clerk of the parish 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, 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, or raised previous thereto, shall from and after giving such certificate with his or her polls and estates, be considered as a member of the society to which he or she hath so united.

Warrant to be
issued.

SECT. 4. *And be it further enacted*, That any Justice of the Peace in the county of Essex, 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 other business, as parishes are by law entitled to choose and transact in the month of March or April annually. [June 21, 1811.]

Chap. 22.
1809 ch. 102.

An ACT in addition to the several Acts defining the limits of the towns of Conway, Deerfield and Whately.

Land set off.

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, all the land lying and being south of the north line of lot number sixteen in the long hill (west division, so called,) in the town of Deerfield, in the county of Hampshire, be, and hereby is set off from the said town of Deerfield, and annexed to the town of Conway in said county.

Boundaries
fixed.

SECT. 2. *And be it further enacted*, That from and after the passing of this Act, the easterly line of the town of Conway, between the said town and the town of Whately, be, and hereby is established as follows, to wit, beginning at the southwest corner of Thomas Sanderson's land on the line of the town of Whately; thence running north thirty-two degrees east, sixty-four rods and four links; thence north seven degrees and thirty minutes west, ninety-four rods; thence north thirteen degrees east, eighty-eight rods to the north line of said lot, number sixteen, in said town of Deerfield.

SECT. 3. *Be it further enacted*, That all parts of Acts inconsistent with the provisions of this Act be, and the same hereby are repealed. [June 21, 1811.]

Chap. 23. An ACT to incorporate John L. Sullivan and others, by the name and style of the Merrimack Boating Company.

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 said John L. Sullivan, his associates and successors, be, and hereby are incorporated, and shall be a corporation [for the term of twenty years,] under the name of the Merrimack Boating Company, and by that name may sue and pro-

(Repealed
1816 ch. 32.)

secute, and be sued and prosecuted, to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations, for the purposes, and only for the purposes, in this Act provided for.

Corporation may sue and be sued.

SECT. 2. *And be it further enacted*, That the said John L. Sullivan, his associates and successors, shall under this Act have power and authority to have, own, and use boats for the purpose of transporting goods, wares and merchandize, the produce and manufacture of the country, and other things from the harbour of Boston to the westerly end of Middlesex Canal, and from thence up the river Merrimack to the northerly line of this state; and from the northerly line of this state on the said river and Middlesex Canal, to the harbour and town of Boston, and all the intermediate places on the waters of Merrimack river, and the harbour aforesaid.

Authorized to use boats and boundaries fixed.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said John L. Sullivan may make an application to any Justice of the Peace for the county of Suffolk, requesting him to call a meeting of the proprietors to be holden at some convenient place within the town of Boston, in the same county; whereupon such Justice is hereby empowered to issue his warrant, directing him to warn and notify said proprietors to meet at such time and place in said town of Boston, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of the said company for the future; and to do and transact such matters and things, relating to the said corporation, as shall be expressed in the warrant. And the proprietor to whom such warrant shall be directed shall give notice to the proprietors, by causing the same or the substance thereof, to be published in two of the Boston newspapers fourteen days before the holding of the said meeting, and make return thereof under his hand to the same meeting, to be lodged with the clerk to be then and there chosen. And the proprietors may at the same, or any other legal meeting, choose a clerk, treasurer, agent and other officer or officers of the corporation, that they may deem necessary 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, each share having one vote.

Provision for calling meetings.

Proprietors to choose officers.

SECT. 4. *And be it enacted by the authority aforesaid*, That the corporation hereby erected, are authorized and empowered to purchase, and hold to them and their successors forever, so much personal estate consisting of boats and tackle, engines and apparel necessary for transportation as aforesaid, and so much real estate as may be necessary for the purpose of landing places and store-houses; *Provided*, the whole property does not exceed the value of one hundred thousand dollars, and comprehend no more than twenty acres of land, not more than two of which shall lie in Boston. [And all property held by said corporation, shall be divided into one hundred shares,] and shall be considered as personal property, and transferable by

Possession of property allowed.

Proviso.

(Altered to 400 shares, 1816 ch. 32.)

assignment. *Provided*, that all real estate held in any town by said corporation shall be liable to taxation in such town, as other real estates are liable to be taxed.

Personal property liable for debts.
(Repealed 1816 ch. 32.)

SECT. 5. *And be it further enacted by the authority aforesaid*, That the property of the corporation, and the real and personal estate of the individuals respectively who compose the same, shall be liable for the debts of the corporation; and that any writ of execution issued on any judgment against the said corporation, may be levied on any estate of the said corporation, or on any estate real or personal of any individual who is a member of said corporation. [June 21, 1811.] Add. act—1816 ch. 32.

Chap. 25.
1783 ch. 27.
(V. 1. p. 62.)

An ACT to annex Isaac Smith and John Ellis, jun. to the town of Walpole.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Smith and John Ellis, jun. of Walpole, in the county of Norfolk, with their polls and estates, lying and being in said Walpole, be, and hereby are set off from the third parish in Dedham, and re-annexed to the said town of Walpole. [June 21, 1811.]

Chap. 26.

An ACT to annex Daniel Rogers, to the town of Brewster.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Rogers, with his family and estate, be, and hereby is set off, from the town of Harwich, and annexed to the town of Brewster, there to do the duties and exercise the privileges of other inhabitants of the said town of Brewster. [June 21, 1811.]

Chap. 28.
1805 ch. 12.
(V. 3. p. 611.)
1809 ch. 129.
1810 ch. 120.
Preamble.

An ACT in addition to an Act, entitled "An Act to establish the Middlesex Turnpike Corporation, and to the several Acts in addition thereto."

WHEREAS by an Act of the legislature, passed February 28, 1811, the Middlesex Turnpike Corporation, were authorized to erect one of their gates, on any part of their road between the old road in Lexington, and the old road in West Cambridge, near the foot of the rocks (so called), by which Act, sundry persons feel themselves aggrieved. 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 the inhabitants of the town of Lexington, and Nathan Harrington, James Wright, Isaac Reed, Silvanus Wood, and Abel Pierce, of Woburn, and their families, and all future occupants of their farms, shall have the liberty of passing and re-passing on the old county road, and through the gate (should a gate be erected on said old road) at all times free of toll, provided they travel on said old county road.

SECT. 2. *Be it further enacted*, That William Blanchard, Samuel Hoar, and Joseph Barrett, Esq. be, and hereby are appointed commissioners, and authorized to establish the gates on the Middlesex turnpike road according to the provisions of the several Acts, establishing said turnpike corporation, and the report of said commissioners, or any two of them, made and filed in the office of the clerk of the Court of Common Pleas, for the county of Middlesex, shall be held and considered a legal establishment of said gates.

SECT. 3. *Be it further enacted*, That said corporation may

Persons incorporated.

Commissioners appointed.

purchase and hold real estate for the accommodation of their road, to any amount not exceeding fifteen thousand dollars. Possession of property allowed.

[June 21, 1811.] Further act—1819 ch. 62.

An ACT establishing the First Methodist Society in Salisbury.

Chap. 31.

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 Merrill, Moses Pike, Joseph Pettengill, Benjamin Stevens, Levi Jackman, Jacob Buswell, Abel Eaton, Jesse Carr, Jacob Buswell, jr. John Pike, Daniel Carr, Osgood Carr, Samuel Merrill, John Merrill, jun. Chase Stevens, Daniel Eaton, Benjamin French, Samuel Eaton, Moses Deal, jun. Samuel True, jr. Moses True, Henry True, Samuel True, 4th. Moses Pike, jr. Moses Pike, 4th. Caleb Merrill, Samuel Eaton, jr. Samuel Pike, Silas Pike, Benjamin Merrill, Elias Pike, John French, jr. Joseph Pettingill, jun. Caleb Pike, 3d. Nathaniel Jackman, Elisha Eaton, Archalus Eaton, Richard Eaton, 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 the town of Salisbury, 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 upon them and their estates, for parochial purposes in the parishes to which he or she formerly belonged.

Persons incorporated.

Proviso.

SECT. 2. *Be it further enacted,* That any person belonging to any other religious society, in the said town of Salisbury, who may desire to join with the said Methodist society, in the town aforesaid, and who shall declare such intention in writing, delivered to the parish clerk, or the clerk of such other religious society, and produce a certificate, signed by the minister or clerk of said Methodist society, that he or she has actually become a member of, and united in religious worship with the said Methodist society, on or before the first day of March in any year, such person shall from the date of such certificate, be considered with his or her polls and estates, a member of said Methodist society.

Qualifications to constitute a member.

SECT. 3. *Be it further enacted,* That when any member of the said Methodist society shall see cause to leave said society, and unite with any other religious society, in the town in which he or she may dwell or have their home, and give such notice of their 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, and from them or either of them produce a certificate to the said Methodist society, that they have actually become members of such other society, fifteen days previous to the annual parish or society meeting, such person shall from the date of such certificate, with his or her polls and estate, be considered a member of such other society. *Provided however,* that in every case of seceding from one society, and joining another, every such person shall be held

Measures to be taken for leaving.

Proviso.

to pay his or her proportion of all parochial expenses, incurred previous to leaving such society.

Warrant to be issued.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Essex, upon application therefor, is hereby authorized to issue a warrant directed to some member of said Methodist society, requiring him to notify and warn the members of said society to meet together at such time and place, as shall be appointed in said warrant, for the choice of such officers as parishes or religious societies are by law authorized and empowered to choose at their annual parish or society meetings. [June 21, 1811.]

Chap. 35.

An Act to incorporate sundry persons by the name of The Marshfield Cotton and Wool 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 Thomas Hobart, Jonathan Stetson, Ezra Weston, jun. and Chandler Sampson, with such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of The Marshfield Cotton and Wool Manufactory, for the purpose of manufacturing cotton and woollen yarn and cloth within the town of Marshfield, and for such purposes shall have all the powers and privileges and be subject to all the duties and requirements contained in an act, entitled "An act defining the general powers and privileges of Manufacturing Corporations."

(1808 ch. 65.)

May hold real estate.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate not exceeding one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid. [June 21, 1811.]

Chap. 37.

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, Thomas Searle of Rowley, in the county of Essex, son of Joseph Searle, shall be allowed to take the name of Thomas Colman Searle; that Joseph Jones, of Boston, in the county of Suffolk, shall be allowed to take the name of Charles Henry Jones; that Abraham Quincy, of Boston aforesaid, shall be allowed to take the name of Abraham Howard Quincy; that Elizabeth Mock, of Boston aforesaid, single woman, shall be allowed to take the name of Elizabeth Allen; that William Rogers, of Boston aforesaid, shall take the name of William Charles Rogers; that John King, jun. of Salem, in the county of Essex, shall be allowed to take the name of John Glen King; that John Harris, jun. of Marblehead, in said county of Essex, shall be allowed to take the name of John Lord Harris; that Moses Atkinson, of Newbury, in said county of Essex, shall be allowed to take the name of Moses Little Atkinson; that Moses Moody Swan, of Haverhill, in said county of Essex, shall be allowed to take the name of Moses Swan Moody;

Names altered.

that Levi Whitmore, of Framingham, in the county of Middlesex, shall be allowed to take the name of Levi Foster Whitmore; that Samuel B. Harris, of Charlestown, in said county, shall be allowed to take the name of Samuel Harris Bradstreet; that Batchellor Hussey, of Portland, in the county of Cumberland, shall be allowed to take the name of Henry Hussey; that Simeon Alden, jun. of Randolph, in the county of Norfolk, shall be allowed to take the name of Horatio Bingly Alden; that Marilla Gurney, of the town of Abington, in the county of Plymouth, shall be allowed to take the name of Marilla Livingston Gurney; that Samuel Barnard, of Boston aforesaid, shall be allowed to take the name of George Edward Augustus Carpenter Barnard.

And each of the persons before named shall be allowed to assume the said names respectively, and they shall in future be called and known by the said names, and the said names shall hereafter be considered as their only proper names, to all intents and purposes. [June 21, 1811.]

An ACT to incorporate certain persons for the purpose of building a bridge over Connecticut river, between the towns of Sunderland and Deerfield, in the county of Hampshire.

Chap. 38.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Eliakim Arms, Elijah Arms, Samuel Church, Abner Cooley, William Delano, Cotton Graves, Erastus Graves, Giles Hubbard, jun. Moses Leonard, Calvin Merrill, John Montague, William Montague, Daniel Montague, jun. John Russell, Nathaniel Smith, Horace W. Taft, and John Wiley, together with such others as have, or may hereafter associate with them and their successors, be, and they are hereby made and declared to be a corporation and body politic, by the name of The Proprietors of the Sunderland Bridge, and by that name may sue and be sued to final judgment and execution, and shall do and suffer, all other things, which similar corporations may or ought to do and suffer.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the proprietors aforesaid be, and they are hereby authorized to build a bridge over Connecticut river between the towns of Deerfield and Sunderland, at or near Morris' ferry, and the said bridge shall be faithfully built with sound and durable materials, at least twenty-eight feet wide, and covered with planks, and have a sufficient railway on each side of the bridge for the safety of passengers, and the said bridge shall at all times be kept in safe, convenient, and passable repair.

Empowered to build a bridge.

SECT. 3. *Be it further enacted,* That a toll be, and hereby is granted to the proprietors, to reimburse them for their expenses in building said bridge, and for supporting the same, viz.—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 wheeled carriage for passengers, thirty-three cents; for each curricule, twenty-five cents; for each sleigh drawn by

Toll established.

one horse, ten cents; and if drawn by more than one horse, twelve and an half 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 drawn by more than two beasts, twenty cents; for each horse without a rider, and for neat cattle, three cents each; and for sheep and swine, one cent each; and one person and no more shall be allowed to each team as a driver to pass free of toll, and all persons who shall have occasion to pass said bridge to perform military duty, or to attend public worship on the Lord's day, shall pass free of toll; and the toll shall commence on the day of the first opening of said bridge, and shall continue for the term of seventy years, and at the place where the toll shall be received, there shall be erected and constantly exposed to view, a sign-board with the rates of toll fairly and legibly written or printed thereon, in large or capital letters, and the said corporation at the time of opening said bridge shall cause a true and just account of the expenses thereof, to be returned into the office of the Secretary of this Commonwealth, and after fifteen years from the opening said bridge, the General Court may regulate the rates of toll receivable thereat: *Provided however,* That if the said proprietors shall neglect for the space of six years from the passing of this act, to build and finish the said bridge, then this act to be void and of no effect.

SECT. 4. *Be it further enacted,* That any three of the persons aforesaid may warn and call a meeting of the proprietors, to be holden at any convenient time and place, by publishing the same three weeks successively in the Hampshire Gazette, published in Northampton, the last publication to be six days at least before the time of such meeting, and the said proprietors by a vote of the majority of those present, or represented at said meeting, shall appoint a clerk who shall be sworn to the faithful discharge of said office, and in voting for the said clerk, and in all other cases, one vote only shall be allowed to each single share; *Provided however,* That no one proprietor shall be allowed more than twenty votes, and at the said first meeting the proprietors may also agree on a method of calling future meetings, and at the same, or some subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary or convenient for the regulation and government of the said corporation, and for carrying into effect the purposes aforesaid, and for collecting the toll herein granted, and may annex penalties to the breach of any by-laws, not exceeding five dollars; and all representations at said meetings shall be filed with the clerk of the said corporation, and this act, and all rules, regulations, and proceedings shall be fairly and truly recorded by the said clerk in a book or books to be provided and kept for that purpose. [June 21, 1811.] Add act—1811 ch. 122.

Exemptions
from toll.

Method of
calling a meet-
ing.

Proprietors
to establish
by-laws.

Chap. 39.

An ACT to establish The First Baptist Society in the town of Woburn.

SECT. 1. *BE it enacted by the Senate and House of Represent-*

tatives, in General Court assembled, and by the authority of the same, That George Washington Reed, Samuel Bryant, Jacob Eames, 2d. Jacob Buckman, Jonathan Convers, Jacob Wright, John Fowle, Lille Eaton, Elijah Leathe, Benjamin Wood, Abel Richardson, 3d. John Edgell, Abel Richardson, John Fowle, 2d. Ebenezer Reed, Ebenezer Reed, 2d. James Waide, Jacob Leathe, Jesse R. Fowle, Daniel Hadley, Thomas Eaton, Ezra Kimball, Joshua Reed, Zadock Wyman, 2d. Hiram Thompson, Elijah Leathe, 2d. Isaac Wood, Benjamin Fowle, Jacob Richardson, John Cummins, Jacob Richardson, 2d. Isaac Merrion, Jonathan W. Fowle, Rachel Reed, Rebecca Tottingham, William Emerson, Samuel West, John Waide, Ichabod Parker, William Young, William Young, 2d. Josiah Convers, Luther Convers, Thomas Pool, Ruth Eaton, Phebe Eaton, Lot Eaton, Keziah Thompson, Elijah Wyman, Jethro Richardson, Samuel T. Richardson, Josiah Richardson, Samuel Evans, Micajah Lock, Samuel Tidd, Joseph H. Beers, Nathaniel Waide, Joseph H. Beers, 2d. John B. Beers, Job Richardson, Edward Richardson, 2d. Charles Richardson, Reuben Richardson, Jesse Convers, Sarah Evans, John Tidd, Joshua Convers, William Wood, Hephsebah Convers, Hiram Flagg, Benjamin Edgell, Abel Winn, Jerry Winn, Samuel E. Wyman, Eleazer F. Pool, Thomas Dean, Nathan Peirce, Joseph Winn, Abraham Skinner, Sylvanus Wood, Josiah Lock, Asa Lock, Robert Wood, George Richardson, Hosea Evans, and Matthew Skillton, together with all such others as may hereafter associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of The First Baptist Society in Woburn, with all the powers, privileges and immunities which parishes are entitled to, by the constitution and laws of this Commonwealth.

Society incorporated.

SECT. 2. *Be it further enacted,* That any person in either of the said towns of Woburn or Burlington, or any other town, who may at any time hereafter 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 or parish to which he or she may belong, and produce a certificate, signed by the minister or clerk of the said Baptist society, that such person has actually become a member of said Baptist society, fourteen days previous to the town or parish meeting to be held in the month of March annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Baptist society. *Provided however,* That all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish to which he or she formerly belonged, within one year previous to their leaving the same.

Method of becoming members.

SECT. 3. *Be it further enacted,* That whenever any member of said Baptist society shall see cause to leave the same, and unite with any other 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

Manner of leaving.

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, fourteen days at least before the town or parish meeting to be held in the month of March annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may intend to be united in the same manner as if he or she had never belonged to said Baptist society. *Provided however*, That all such persons shall be held to pay their proportion of all monies voted or assessed in the said Baptist society, within one year previous to their leaving the same.

Warrant to be issued.

SECT. 4. *Be it further enacted*, That Bill Russell Esq. is hereby authorized to issue his warrant directed to some principal 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 all such officers and transact all such business as parishes in this Commonwealth are by law authorized to do in the month of March or April annually. [June 21, 1811.]

Chap. 40.

An ACT regulating the collection of taxes in the town of Newburyport, and providing for the appointment of Constables in the said town.

Selectmen to appoint Constables.

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 the town of Newburyport, be, and they hereby are empowered to appoint annually such a number of persons as Constables in said town, as the public service may require, and the said Constables so appointed, shall be sworn to the faithful discharge of the duties of said office, by any one of the said Selectmen who shall enter the same on their records, and the said Constables shall also give bonds to the Treasurer of the said town of Newburyport in such sums, and on such conditions, as the said Selectmen shall think proper for the faithful performance of the duties of their office; and the Constables so appointed by the said Selectmen shall have the same powers as are by law vested in Constables chosen by the towns in this Commonwealth.

Treasurer to be collector with power to appoint deputies.

SECT. 2. *Be it further enacted*, That the treasurer of the town of Newburyport shall be the collector of the state, county, and town taxes in said town, and shall be, and hereby is empowered to substitute and appoint under him such, and so many deputies or assistants as the service may be found to require, who shall give bonds to the said treasurer in his said capacity for the faithful discharge of their duty, in such sums and with such sureties as the selectmen of said town may think proper. And the said collector and his deputy or deputies shall have the same powers as are vested by law in the collector of taxes, chosen by other towns in this Commonwealth; and the said treasurer and his deputy or deputies may by a vote of the said town for such purpose, collect all such taxes as may be outstanding and uncollected at the time of the passing of this act,

(See 1815 ch. 2.)

or at the time of his being chosen to the office of treasurer, he and his deputy or deputies first giving bonds for the faithful discharge of their duty in such sums and with such sureties, as the selectmen of said town shall think proper.

SECT. 3. *Be it further enacted,* That the said treasurer may issue his warrants to his deputy or deputies for the collecting and gathering in of such parts of the rates or assessments as in his discretion he shall think proper to commit to such deputy or deputies, which warrant shall be in the same tenor with the warrant prescribed to be issued by the selectmen or assessors for the collecting or gathering in of the state or town rates or assessments, *mutatis mutandis*.

to issue
warrants to
deputies.

SECT. 4. *Be it further enacted,* That the treasurer and collector of the said town of Newburyport, be, and he is hereby authorized to issue his warrant to the sheriff of the county of Essex, his deputy, or to any constable of the said town of Newburyport, directing them to distrain the 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 the 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 collector, whenever there may be a probability of losing a tax, from distraining the property or person of any individual before the expiration of the time fixed by the vote of said town.

and warrant
of distress.

Proviso.

SECT. 5. *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, and pursue the same process in distraining the persons or property of delinquents, as collectors are now by law authorized to do and perform, and for collecting the sum of money due on said warrants, to receive the same fees that are allowed by law for levying executions in personal actions: *Provided however,* That before 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 sum due, and that unless the same is paid in ten days from the time of leaving said summons, into the treasury of said town, with twenty cents for said summons, his or her property will be distrained according to law.

Duty of officers
in executing
warrants.

Proviso.

SECT. 6. *Be it further enacted,* That the constables of said town of Newburyport, 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. [June 21, 1811.] Add. act—1815 ch. 2.

Bonds.

Chap. 41.

AN ACT to incorporate a number of the inhabitants of the Towns of Medfield, Dedham and Wrentham, in the county of Norfolk, as a Religious Society, by the name of The First Baptist Society in Medfield.

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 Eleazer Allen, Joseph Baker, Obed Baker, Eliphalet Baker, David Baker, Abijah Blake, Samuel Blake, William Boyden, Silas Boyden, Edward Buckmaster, Abijah Colburn, Benjamin Colburn, Isaac Colburn, jun. Jonathan Colburn, Phineas Colburn, Eliphalet Colburn, Ellis Colburn, George Colburn, Thatcher Colburn, Joseph Cutler, Joseph Draper, Daniel Draper, Daniel Draper, jun. Joseph Ellis, 2d. Abijah Fisher, Asa Fisher, Benjamin French, Benjamin French, jun. Abraham Harding, Andrew Lewis, Abner Mason, William Mason, jun. Eliakim Morse, Samuel Needham, John Needham, Elibu Onion, Oliver Partridge, Eleazer Perry, James Potter, Jason Richardson, Jason Richardson, jun. Ariel Sayles, Elisha Sayles, Abijah Smith, Asa Smith, Billings Tisdale and Moses Wadsworth, 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 Medfield, with all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth: *Provided however,* That the persons aforesaid shall be holden to pay their proportion of all monies granted and assessed before the first day of March last past, and not after, in the several towns or parishes to which they severally belonged, previous to the passing of this Act.

Proviso.

Method of becoming members.

SECT. 2. *Be it further enacted,* That any person belonging to either of the towns aforesaid, who may be desirous to join with the said Baptist society, shall declare such intention in writing to the elder, clerk, or committee of the said society fifteen days at least previous to the annual meeting of the said society, and if such person do receive and can produce a certificate of membership signed by the elder, clerk, or committee aforesaid, that he or she has actually become a member of said Baptist society in Medfield, such person from the date of such certificate with his or her polls and estate, shall be considered a member of said society: *Provided however,* That every person so joining with the said Baptist society, shall give like notice of his intention to the minister, clerk, or committee of the society from which he doth secede.

Manner of leaving.

SECT. 3. *Be it further enacted,* That if any member of the said Baptist society, see cause to leave the same and to unite with any other religious society in the town in which such person may live, he or she shall give notice of such intention to the elder, clerk, or committee of the said Baptist society, and also to the minister, clerk, or committee of such other society fifteen days at least before the annual meeting thereof, and if such person doth receive and can produce a certificate of admission signed by the minister, clerk, or committee of such other society, such person from the date of said certificate, with his or her polls and estates, shall be considered a mem-

ber of such other society. *Provided however,* That in every case of secession from one society and joining another, in the manner provided for by this Act, every such person shall be holden to pay his or her proportion of all pecuniary assessments, or other charges and expenses assessed and not paid prior to such secession, and the said certificates in either case given and received as aforesaid, shall operate to exempt such person from taxation for the support of public worship in any other society. Proviso.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Norfolk is hereby authorized to issue a warrant, directed to a member of the said 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 parishes and religious societies are empowered to choose at their annual parish or society meetings. [June 19, 1811.] Warrant to be issued.

An ACT to establish The Methodist Episcopal Society of Lenox.

Chap. 42.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gamaliel B. Whiting, William Whiting, Amos Benton, Josiah G. Barker, William F. Swift, William S. Smith, John S. Smith, James Smith, Enoch Johnson, Erastus Benton, Simeon Calkins, Jethro Butler, Salmon Andrews, Jethro Butler, jun. Joshua W. Cobb, Zebadiah Hyde, Andrew Hyde, 3d. Selah Cook, Jesse Root, Orriange Judd, Seth N. Judd, Daniel Dunbar, Solomon Bodfish, Oliver Stedman, John Bennett, Sion Turner, James Newbury, William Ross, jun. Silvanus Hullet, Samuel Hullet, William Dunham, Levi Goodrich, Horace Whiting, Jeremiah Bulmore, James Smith, jun. Selah Andrews, Walter Cook, and Oren Stephens, members of the said religious society, with their families and estates, be, and they are hereby incorporated by the name of The Methodist Episcopal Society of Lenox, with such others as may hereafter associate and join with them, with all the privileges and immunities to which 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 assessed for parochial purposes in the town or parish, to which they respectively belonged previous to the passing of this Act. Society incorporated.

SECT. 2. *And be it further enacted,* That Azariah Egleston, Esq. be, and he is hereby authorized to issue a warrant directed to some suitable member of 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, to choose such officers as parishes in this Commonwealth are by law empowered to choose in the month of March or April annually. [June 22, 1811.] Proviso.

Justice to issue warrant.

An ACT to establish The First Baptist Society in Carver, in the county of Plymouth. Chap. 46.

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 Shurtliff, Flavell Shurtliff, Lot Shurtliff,

Society incor-
porated.

Ebenezer Shurtliff, Gideon Shurtliff, Abiel Shurtliff, Gideon Shurtliff, jun. Francis Shurtliff, Nathaniel Shurtliff, Nathaniel Shurtliff, 2d. Peter Shurtliff, Thomas Shurtliff, William Atwood, Asaph Atwood, Jonathan Atwood, Joseph Atwood Lazarus Atwood, Samuel Atwood, Samuel Atwood, jun. Stephen Atwood, Levi Atwood, Caleb Atwood, Aber Atwood, John Atwood, John Atwood, jun. Joshua Atwood, Nathaniel Atwood, William Atwood, 2d. Samuel Shaw, John Shaw, Silvanus Shaw, Silvanus Shaw, jun. Levi Shaw, Abigail Shaw, Benjamin Ward, Benjamin Ward, jun. Samuel Lucas, Carver Barrows, Seth Barrows, Ephraim Griffith, Huit M'Farlain, Bethuel Tilson, David Vaughan, Joseph Ellis, jun. Ellis Shaw, Joseph Robbins, Eli Thomas, Benjamin White, William Murdock, Ebenezer Dunham, Jabez Maxam, Jabez Maxam, jun. Thomas Maxam, John Bumpus, Isaac Cushman, Hosea Lucas, Cornelius Dunham, Calvin Lucas, John Appling, Lewis Pratt, and Swansey Hart, of said Carver, and John Shaw, Ephraim Ward, Gideon Perkins, and Nathaniel Shurtliff, of Middleborough, in the county of Plymouth, with their polls and estates, be, and they hereby are incorporated, by the name of The First Baptist Society in Carver, with all the privileges, powers and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy and perform.

Method of be-
coming a mem-
ber.

SECT. 2. *Be it further enacted,* That any person in said towns of Carver or Middleborough, or of the town of Plymouth, in the county of Plymouth, who may at any time hereafter, actually become a member of, and unite in religious worship with said Baptist society, and shall 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 in the month of March or April annually, shall from and after giving in such certificate, with his or her polls and estates, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged, previous to that time.

Manner of
leaving.

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 said Baptist society, signed by the minister or clerk of the parish, or other religious 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 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 estates, be considered as a member of said society to which he or she may so unite.

SECT. 4. *Be it further enacted*, That any Justice of the Peace, in the town of Carver, 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 he shall appoint 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. [June 22, 1811.]

Warrant to be issued.

An ACT to repeal part of an Act, entitled, "An Act regulating the Collection of Taxes in the Town of Boston, and providing for the appointment of Constables in the said Town." *Chap. 47.*
1802 ch. 7.
(V. 3. p. 5.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the fourth section of the Act, passed the eighteenth of June, one thousand eight hundred and two, entitled, "An Act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in the said town," which allows a discount on the payment of taxes within certain periods, be, and the same is hereby repealed. [June 22, 1811.]
See 1821 ch. 110 § 15.

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 Newburyport to Chelsea Bridge." *Chap. 50.*
1802 ch. 120.
(V. 3. p. 173.)
1807 ch. 117.

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 Newburyport Turnpike be, and they hereby are authorized and empowered from time to time to convey, sell, and dispose of, or to exchange in fee simple or otherwise as they shall think fit, any part of the real estate which they have already purchased, or shall hereafter purchase, by any deed or deeds made and duly executed either by their president and directors, or the major part of them, under the seal of said corporation, or by any agent or agents by the said corporation appointed under their seals, provided they shall have been respectively authorized by a vote of said corporation, to make such conveyance, sale, disposition or exchange thereof. [June 22, 1811.]

Proprietors empowered to convey.

An ACT to annex James Parmele and others to the incorporated Baptist Society, in the Town of West Stockbridge. *Chap. 51.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That James Parmele, Ezra Hubbel, Eli Hubbel, Chauncey Root, Otis O. Robbins, John French, Christopher French, jun. Samuel Ives, James Cobb, Robert Perry, John Millen, Joel Millen, John Burgharett, Jehuda Stephens, Samuel Dunbar, Abraham Tobey, Abijah Smith, Nathaniel Lockwood, Sylvester Hooper, John C. Deming, Gilbert Wilson, Augustine Spencer, Jare Benedict, Brainard Spencer, and Eli Barnes, together with their polls and estates, all belonging to the towns of West Stockbridge, Stockbridge, and Great Barrington, in the county of Berkshire, be, and they hereby are annexed to, and incorporated with the First Baptist Society, in the town of West Stockbridge, for parochial purposes only, and in that connection shall

Society incorporated.

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 originally members thereof: *Provided however*, That each of the persons aforesaid, shall always be held to pay their proportion of all parish, town, or society charges, assessed, and not paid previous to their leaving any other society, and their incorporation with the society aforesaid. [June 22, 1811.]

An ACT in addition to "An Act to incorporate the Town of Randolph."

Chap. 52.

1792 ch. 49.

(V. 1. p. 410.)

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 the Act to which this is in addition, as is supposed to annex to, and subject to taxation in the town of Braintree, the estates which heretofore belonged to Samuel Cheesman, deceased, and Levi Thayer, who were remonstrants against the incorporation of the town of Randolph, be, and the same is hereby repealed. [June 22, 1811.]

Chap. 53.

An ACT to establish a Baptist Society in Gloucester, in the county of Essex.

Society 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 John Smith, Seth Woodbury, Benjamin Hale, James Appleton, Matthew Whipple, William Kennedy, Thomas Millet, jun. Joseph Putnam, John Smith, jun. Joseph Fears, Samuel A. Gale, Elijah Foster, jun. William Dexter, Jesse Wilson, Ephraim Davis, jun. John L. Witham, Jonathan Medley, James Laha, George Wood, Benjamin Parsons, Pliny Davison, Thomas Lee, William Woodbury, Ebenezer Pool, William Smith, jun. Solomon Pool, jun. Jonathan Pool, jr. Jonathan Pool, Francis Hilton, Nehemiah Grover, John Grover, Josiah Pool, Ebenezer Pool, 3d. Henry Blatchford, Thomas Parsons, jun. Ebenezer Gamage, Paul Morgan, William Morgan, Ebenezer Clark, Ebenezer Rowe, 3d. Moses E. Colby, William Smith, Ebenezer Dresser, William Parkhurst, David Stanwood, Benjamin Dodge, Daniel Ober, Joseph Trask, John Ryerson, Samuel French, Benjamin Hoig, Daniel Douglass, John Douglass, Charles Wonson, Edward Gearing, Abraham Tarr, Moses Parsons, Charles G. Martin, Samuel Day, Isaac Fears, John Edgar, Samuel Parsons, James Rowe, Samuel B. Thomas, Nathaniel Blatchford, Ezekiel Adams, Isaac Low, Joseph Smith, Ezekiel Bradstreet, Samuel G. Gamage, John Pool, jun. Robert Hooper, Caleb Herrick, Henry Clark, jun. John Clark, Aaron Sargent, Ebenezer Tarr, Daniel Allen, Zebulon Witham, Nathan F. Morgan, Elizabeth Dexter, Daniel Bradford, and Elijah Foster, with their polls and estates, be, and they are hereby incorporated by the name of the Baptist Society in Gloucester, with all the privileges, powers, and immunities which parishes in this Commonwealth by law enjoy.

Method of be-
coming a mem-
ber.

SECT. 2. *Be it further enacted*, That any person in said town of Gloucester, 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 in the month of March or April annually, shall from and after giving in such certificate, with his or her polls and estate, be considered as a member of said society. *Provided however*, that such person shall be held to pay his or her proportion of all the 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 said Baptist society, with a certificate signed by the minister or clerk of the parish or other religious 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 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 said society to which he or she may so unite.

Manner of leaving.

SECT. 4. *Be it further enacted*, That any Justice of the Peace in the town of Gloucester 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 he shall appoint 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. [June 22, 1811.]

Warrant to be issued.

An ACT to enable the administrator on the estate of Samuel Bartlett, late of Newburyport, mariner, deceased, to convey certain real estate of the said Samuel.

Chap. 54.

WHEREAS on the petition of Benjamin Norton of Newburyport, in the county of Essex and Commonwealth of Massachusetts, sail-maker, it is made to appear that on the sixteenth day of March, in the year of our Lord eighteen hundred and nine, he the said Benjamin, by his deed of quitclaim of the same date, duly executed, did convey to the said Samuel, then living, certain real estate in and by said deed particularly described, that though said conveyance was absolute and unconditional, yet in fact it was intended only as security for payment of certain sums of money before that time hired of said Samuel by said Benjamin, and it was the mutual agreement of the said parties, that on payment of said several sums of money and interest by said Benjamin to said Samuel, he the said Samuel would reconvey the said premises to the said Benjamin, that after the conveyance of the said premises as aforesaid, and before the death of the said Samuel, the said Benjamin paid the said Samuel a considerable part of said money, and whereas by the death of said Samuel, the said Benjamin cannot obtain a reconveyance of said premises on payment of the balance

Preamble.

due from him to said Samuel, nor has he legal remedy for the money paid to said Samuel in his life time. Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the administrator on the estate of the said Samuel, be, and he is hereby authorized and empowered to make and execute to said Benjamin, or to his legal heirs or representatives, a good and sufficient deed of quitclaim of the same premises so conveyed by said Benjamin to said Samuel as aforesaid; *Provided,* the said Benjamin shall first, and on or before the first day of January next, have paid to the administrator on the estate of the said Samuel, the full balance of money and interest due from the said Benjamin to the estate of the said Samuel; *And provided also,* that no conveyance of the same premises by the said Samuel in his life time appears on record, and such deed by the administrator on the estate of the said Samuel as aforesaid, shall vest in the said Benjamin, as full and absolute a title as he held before his conveyance to the said Samuel as aforesaid. [June 22, 1811.]

Administrator
authorized.

Proviso.

Chap. 56.

An Act to incorporate certain proprietors of the common and undivided lands in the town of Hull, in the county of Plymouth, for the purpose of managing the same as a common and a general field.

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 and owners, their heirs and assigns of certain common and undivided lands lying in the town of Hull, in the county of Plymouth, bounded as follows, viz. beginning at the east end of the lane, (so called,) then running easterly round point Alderton to the sea; thence southerly by the sea till it comes to the Mill lane, (so called;) thence across said lane to Robert Gould's land; then by Robert Gould's land till it strikes the water on the west side of the beach; thence northerly by the sea until it strikes Sagamore hill, (so called;) thence round said hill, to the water; thence northerly until it strikes White Head, (so called;) then round White Head till it comes to the salt marsh; northerly by the salt meadow until it comes to the sea again; then by the sea to the entrance of Point Alderton; then by the salt water to the east end of the burying-ground; from thence to the first mentioned bounds, excepting therefrom, certain lots of land within said bounds, fenced in, and belonging to individuals, be, and they are hereby incorporated by the name of the Proprietors of Common and Undivided Lands, in the town of Hull, 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.

Boundaries.

Proprietors in-
corporated.

Empowered.

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 at any legal meeting for that purpose, shall have power to raise monies, and establish such rules and regulations concerning the improvement of said lands, as shall from time to time be found necessary for the better management of the same.

SECT. 3. *And be it further enacted,* That the said proprietors shall have liberty to erect the following gates and water fences, viz. one gate at the east end of the lane, (so called;) one at the east end of the burying-ground with a water fence; also, a water fence at the Pier (so called,) at the most convenient place; also, one gate at the west end of Row (so called;) also to continue that already erected on Mill lane. And the said town of Hull shall be at the expense of the aforesaid gates and water fences, reserving to any person the privilege of passing and re-passing through said gates, as occasion may require, and the proprietors may have liberty to impose a penalty not exceeding one dollar, for the neglect of any such person in not shutting said gates; and also reserving to the town of Hull the privilege of the shores, and of feeding all lands, not comprehended within the aforementioned bounds.

Gates and fences to be made.

SECT. 4. *Be it further enacted,* That upon the application of any two or more of the said proprietors to any Justice of the Peace in the county of Plymouth, 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 in said town of Hull, and at some public place in the town of Hingham, fourteen days before the time expressed in the warrant for such meeting. [June 22, 1811.]

Justice to issue warrant.

An ACT to establish the Hopkinton Cotton Manufacturing Company.

Chap. 57.

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 Valentine, Thomas Bucklin, William Wood, Joseph Morse, Samuel Godard, Benjamin Herrick, John Gibson, jun. Elijah Wheelock, Gardner Parker, Aner Fisk, Josiah Pease, jun. John Starkweather, Joseph Clough and Russell Smith, together with such others as already have associated, or may hereafter join and associate with them, their successors or assigns, be, and hereby are made a corporation by the name of the Hopkinton Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Hopkinton, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act defining the general powers and duties of manufacturing corporations, passed the third day of March, one thousand eight hundred and nine.

Persons incorporated.

(1803 ch. 65.)

SECT. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess real estate not exceeding the value

May hold estate.

of fifty thousand dollars, and personal estate not exceeding the value of one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton in the said town of Hopkinton. [June 22, 1811.]

Chap. 58.

An ACT to establish the Methodist Episcopal Society in Provincetown, in 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 Solomon Cook, Simeon Conant, Elisha Freeman, Seth Nickerson, Reuben Rider, Abraham Smalley, Payson C. Cook, Elisha Young, Solomon Cook, jun. Elisha Holmes, William Gasacan, Benjamin Dyer, John Leny, Treuman Garret, Timothy Nickerson, George R. Wisell, Joshua Cook, Gamaliel Collings, Peter Lambart, Daniel Smalley, Gamaliel Rowley, Reuben Cook, Benjamin Gifford, Samuel Genn, jun. Thomas Ridley, Isaac Cook, John Cook, jun. Warren Freeman, Enoch Smith, Reuben Nickerson, Hatsub Freeman, Henry Atwood, Josiah Knowles, William Eldridge, Samuel Atwood, jun. Reuben Smith, Ruman Anthony, Ephraim Cook, Samuel Cook, Samuel Cook, jun. Stephen Cook, Samuel Genn, Enoch Smith, jun. Washington Case, David Brown, Alexander Gross, James Smith, Samuel Kilburn, John Cook, Joshua Pane, Josiah Atkins, Levi Lerton, Prince Freeman, Amasa Snow, John Atwood, John Savage, Joshua Smith, Charles Freeman, Robinson Crocker, Nathaniel Rider, James Sparkes, Reuben Hill, Gersham Cutter, Nathaniel Nickerson, Samuel Conant, Seth Smith, Ebenezer Smith, Samuel Atwood, Benjamin Kingham, Jeremiah Newcomb, William Pane, William Phillips, jun. John Long, Ebenezer Newcomb, and Oliver Barlow, with their polls and estates, be, and they hereby are incorporated by the name of the Methodist Episcopal Society in Provincetown, in the county of Barnstable, with all the privileges, powers, and immunities, and subject to the same duties which parishes in this Commonwealth by law enjoy and perform.

SECT. 2. *Be it further enacted,* That any person in said town of Provincetown, who may at any time hereafter actually become a member of, and unite in religious worship with said Methodist Episcopal society, and shall 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 Methodist Episcopal society, fourteen days previous to the 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 a member of said society. *Provided however,* that such person shall be held to pay his or her proportion of all the 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

Society incorporated.

Method of becoming a member.

Manner of leaving.

parish in which he or she may live, and shall give in his or her name to the clerk of the said Methodist Episcopal society, with a certificate signed by the minister or clerk of the parish or other religious 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 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 estates, be considered as a member of said society to which he or she may so unite.

SECT. 4. *Be it further enacted*, That any Justice of the Peace in the town of Provincetown, be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable member of said society, authorizing him to summon the members of said society, to meet at such time and place, as he shall appoint 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. [June 22, 1811.]

Warrant to be issued.

An ACT further regulating the taking of Fish in Mattepoisett 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 if any person or persons shall take any fish called Alewives in Mattepoisett river, in the town of Rochester, in the county of Plymouth, or stretch any seine in said river for the purpose of taking fish at any time hereafter in either of the months of March, April, or May, in any part of Mattepoisett harbour in said Rochester, to the northward of a line running directly from the most southerly part of Capt. Job Haskell's farm on the westerly side of said harbour, to the most southerly part of Joseph Edwards' land on the easterly side of said harbour, such person or persons so offending shall for each offence forfeit and pay fifty dollars, to be recovered in the same way, and to the same uses as forfeitures for taking said fish in the same river are by law to be recovered.

Chap. 60.
1787 ch. 33.
(V. 1. p. 180.)

Penalty for taking fish contrary to law.

SECT. 2. *Be it further enacted*, That the Selectmen of said town are hereby authorised annually to regulate the manner in which the purchasers of the exclusive right of taking said fish in said river, shall respectively take them, and if any such purchaser shall not conform to such regulations, such purchaser shall for every such offence forfeit fourteen dollars, to be recovered as aforesaid, for the use or uses aforesaid.

Selectmen empowered.

(Altered 1814 ch. 99.)

SECT. 3. *Be it further enacted*, That if any person, not an inhabitant of the said county of Plymouth, shall take any of said fish in said river contrary to law, he shall be holden to answer for the same before any Justice of the Peace within and for the county of which such person is an inhabitant, or in which he is resident; and all such justices have hereby given them respectively ample jurisdiction of all such actions which may be brought before them, and fully authorized to hear and try them in the same manner as if the forfeiture had been in-

Persons not inhabitants forbidden to take fish.

curred in the same county, and no fiction of law shall be necessary in the declaration to bring such cause within the jurisdiction of such Justice of Peace.

SECT. 4. *Be it further enacted*, That in all prosecutions for taking said fish in the said river contrary to law, none of the laws on that subject need to be recited, but the plaintiff may declare generally against the offender for taking the fish called Alewives in Mattpoisett river in Rochester, in the county of Plymouth, within a limited time, contrary to the form and effect of the statute in such case made and provided. [June 24, 1811.] Add. acts—1814 ch. 99: 1817 ch. 136.

Chap. 66. An ACT establishing the Hopkinton and Framingham Cotton Manufacturing 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 Samuel Valentine, Aaron Eames, Elias Grout, Fisher Metcalf, Samuel Valentine, jr. Henry Valentine, Luther Bixby, John J. Valentine, Simpson Clark, and Thomas Valentine, together with such others as already have, or may hereafter join and associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Hopkinton and Framingham Cotton Manufacturing Company, for the purpose of manufacturing cotton in the said town of Hopkinton or Framingham, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March eighteen hundred and nine.

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton in the said town of Hopkinton or Framingham. [June 24, 1811.]

Chap. 68. An ACT to empower the Alford and Egremont Turnpike Corporation to erect a Gate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Alford and Egremont Turnpike Corporation, be, and they hereby are authorized and empowered to erect a Gate on the Alford and Egremont turnpike road fifty-two rods south of the north line of said Egremont, which line divides the towns of Alford and Egremont instead of erecting the same in the town of Alford, as said corporation were heretofore by law authorized to do. [June 24, 1811.]

Chap. 76. An ACT for the relief of the owners of the North Mill Dam, (so called) at the Lower Falls in Newton.

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 certain act made and passed in the year of our Lord, one thousand seven hundred and forty-one, entitled "An Act, in

Method to be adopted by the plaintiff.

Persons incorporated.

(Name changed 1819 ch. 97.)

1808 ch. 65.

May hold estate.

Chap. 68.
1805 ch. 96.
1810 ch. 30.

Corporation empowered.

Chap. 76.

Act repealed.

addition to an Act made to prevent the destruction of the fish called Alewives and other fish," so far as the same may regard or impose any duty upon the owners or occupants of the North Mill Dam, which is erected across Charles river from the town of Newton to the town of Needham, at the lower falls, be, and the same is duly repealed.

SECT. 2. *Be it further enacted*, That it shall not hereafter be the duty of the owner or occupants of the said Mill Dam, or any other dam which may be built or erected across Charles river, between the said towns of Newton and Needham at the lower falls aforesaid, in the place where the old dam now stands, to make or keep open through any such dam, any sluice or passage way through any such dam during any part of the year, any other law, usage, or custom to the contrary notwithstanding. [June 25, 1811.]

Privilege of owners or occupants.

An ACT to establish the Great Barrington and Alford Turnpike.

Chap. 80.

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 Van Deusen 1st. Lambert Burghardt, Joseph Pelton, Isaac Van Deusen 2d. Elias Arnold, Christopher French, Ebenezer Pope, Matthew Van Deusen, Jabez Turner, George Beckworth, and others, their associates, together with such other persons as may hereafter associate with them, be, and they hereby are made a corporation and body politic, by the name and style of The Great Barrington and Alford Turnpike Corporation, for the purpose of laying out and making a turnpike road from the dwelling house of Ezekiel A. Mills in Great Barrington in the county of Berkshire, thence on the best route to or near the dwelling house of Isaac Van Deusen, at the foot of the monument mountain (so called;) thence the best route to or near the dwelling house of Jacob Van Deusen, thence to or near the dwelling house of Captain Bethuel Seley; thence to or near the dwelling house of John Scripture in Alford; thence on the best route to the dwelling house of Andrew Race in Egremont; from thence on the best route to the line of the state of New York, near the dwelling house of Philip Smith; 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.

Persons incorporated.

1804 ch. 125.

SECT. 2. *Be it further enacted*, That when the road aforesaid shall be laid out, made, completed, and shall be approved by the court for said county, which shall have jurisdiction on the subject of highways, at the time when said road is completed, 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 such toll thereat, as by the act aforesaid is provided. [June 25, 1811.]

One gate to be erected.

Chap. 82. An ACT to incorporate the President, Directors, and Company of the Merchants' 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 George Crowninshield, Jonathan Neal, jun. William Cleaveland, Joshua Dodge, Henry Elkins, James Devereaux, John Hathorne, George Hodges, Robert Stone, William Fabens, Henry Prince, Peter Lander, Robert Stone, jun. Timothy Bryant, William Silsbee, James Cheever, Joseph Sprague, John Deland, Stephen White, John Saunders, Butler Fogerty 2d. John W. Treadwell, John Crowninshield, George Crowninshield, jun. George S. Johonnot, Gilbert Chadwick, William Lander, Jeremiah Shepard, Ebenezer Burrell, William Hathorn, jun. James Bott, Hugh Ervin, John Foster, Thomas M. Woodbridge, Benjamin Cox, Thomas Whitteredge, and William Stearns, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the Merchants' Bank, and shall so continue from the first day of October next, for the term of twenty years next ensuing, 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 to ordain, establish and put in execution, such by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided,* such by-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. 2. *And be it further enacted,* That the capital stock of the said corporation, shall consist of a sum not less than two hundred thousand dollars, but the same may by the vote of the stockholders, be increased to any sum not exceeding three hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each. The two hundred thousand dollars of which shall be paid in at four equal instalments; the first, on the first day of October; the second, on the first day of January; the third, on the first day of April next; and the fourth, on the first day of July, which will be in the year of our Lord, eighteen hundred and twelve. And the Stockholders, at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns; 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 fifty thousand dollars and no more, at any one time, with power to bargain, sell, and dispose of the same, and to

Persons incorporated.

Their powers.

Proviso,

Time of paying instalments.

Corporation may hold real estate.

loan and negotiate their monies 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 in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation; *And provided further*, That no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Proviso.

SECT. 3. *And 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 total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, exclusive of debts due on account of deposits, shall not exceed twice the amount of their capital stock actually paid in. Nor shall there be due to the said corporation at any one time more than double the amount of their capital stock actually paid in as aforesaid. In case of excess the Directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to final judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same from being also liable for, and chargeable with said excess, such of said directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was so contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

Rules, limitations and provisions.

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 with them by way of security, to any amount sufficient to reimburse the sum loaned.

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 bonds with

two sureties, to the satisfaction of the board of Directors, in a sum not less than twenty thousand dollars, with condition for the faithful discharge of the duties of his office.

Fifth. 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 any office in any other bank, shall be deemed to have vacated his place in this bank.

Sixth. That for the well ordering the affairs of the said corporation, a meeting of the Stockholders shall be held at such places as they shall direct, on the first Monday in 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 one week previous thereto, at which annual meeting, there shall be chosen by ballot, nine Directors to continue in office 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 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. The Stockholders may make the President such compensation, as to them shall appear reasonable.

Eighth. Not less than three Directors shall constitute a board for the transaction of business, of whom the President shall always be one, (excepting in cases 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.

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

Eleventh. 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.

Twelfth. In case any loss or deficiency of the capital stock shall arise from the official mismanagement of the Directors, the persons who are Stockholders at the time of such mismanagement, shall, in their private and individual capacities, be respectively liable to pay the same; *Provided however*, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him.

Thirteenth. In case the officers of said corporation in the usual banking hours at said bank, shall refuse or delay payment in gold or silver of any note or bill of said corporation then presented for payment, the said corporation shall be lia-

ble to pay as additional damages at the rate of twenty-four per cent. per annum, for the time during which such payment shall be refused or delayed.

Fourteenth. The holders of the shares or stock in said corporation at the time when this act may expire, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills, which may have been issued by said corporation, and which may then remain unpaid, in proportion to the stock which they may respectively hold.

SECT. 4. *And be it further enacted,* That the said bank shall be established and kept in the town of Salem.

SECT. 5. *And 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 said corporation, and shall have free access to all their books and vaults. and if upon such an examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation may thereupon be declared forfeited and void.

Special committee empowered.

SECT. 6. *And 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 for three weeks successively in the Essex Register and Salem Gazette), for the purpose of making, ordaining, and establishing, such by-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.

Manner of calling a meeting of stockholders.

SECT. 7. *And 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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier.

Directors required to transmit to authority.

SECT. 8. *And 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.

Counterfeit notes.

SECT. 9. *And be it further enacted,* That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi annual

Tax.

dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth; *and provided further*, that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated, under the authority of this Commonwealth, whenever they may see fit so to do.

Proviso.

SECT. 10. *And be it further enacted*, That one tenth part of the whole funds of said bank, shall always be appropriated to loans, to be made to citizens of this Commonwealth, not resident in the town of Salem, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases.

Proportion appropriated for loans.

SECT. 11. *And be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in.

Obligation to loan to the Commonwealth.

Proviso.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations, and provisions as shall be by the Legislature made and established as to the management thereof. [June 26, 1811.] Add act—1811 ch. 86.

Commonwealth may become stockholders.

Chap. 84.

An ACT to incorporate the President, Directors and Company of the State 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 William Gray, Henry Dearborn, David Tilden, Russel Sturgis, John Brazier, and David Townsend, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the State Bank, and shall so continue from the first day of October next, until the first Monday in October which will be in the year of our Lord one thousand eight

Bank incorporated.

hundred and thirty-one, 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 at pleasure again 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 the said corporation, and the prudent management of their affairs; *provided*, such by-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. 2. *And be it further enacted*, That the capital stock of the said Corporation, shall consist of a sum not more than three millions of dollars, in gold and silver, to be besides such part as this Commonwealth shall subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at five equal instalments; the first on the fifteenth day of October next, the second on the fifteenth day of April next, and the third on the fifteenth day of October, which will be in the year of our Lord one thousand eight hundred and twelve, the fourth on the fifteenth day of April, and the fifth on the fifteenth day of October, which will be in the year of our Lord one thousand eight hundred and thirteen. And the Stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns until they shall otherwise determine; 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 one hundred thousand dollars, and no more at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies 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 in mortgage, or on executions, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, That no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in and existing in gold and silver in their vaults, shall amount to six hundred thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be at the expense of said corporation to examine and count the monies paid and actually existing in said vaults, and

Amount of capital stock. (Reduced 1816 ch. 86.)

Time of paying instalments.

Corporation may hold real estate.

Proviso.

to ascertain by the oath of the Directors of said bank, or some of them, that said capital hath been bona fide paid in by the stockholders of said bank, and towards payment for their respective shares, and not for any other purpose, and it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

SECT. 3. *And 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 total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of their capital stock actually paid in, exclusive of the sums due on account of deposits; nor shall there be due to the said corporation at any one time more than double the amount of the capital stock actually paid in as aforesaid. In case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for, and chargeable with said excess, such of said Directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

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.

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 upon the duties of his office, shall give bonds with two sureties, to the satisfaction of the board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Fifth. No Director of any other bank shall be eligible to the office of Director of this bank, although he may be a stock-

Rules, limita-
tions and
provisions.

Monies not to
be used in
trade.

Person eligi-
ble as Presi-
dent.

holder therein; and any Director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

Sixth. That for the well ordering the affairs of the said corporation, a meeting of the Stockholders shall be held at such places as they shall direct, on the first Monday 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 fourteen days previous thereto, at which annual meeting there shall be chosen by ballot twelve Directors, to continue in office 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*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing.

Annual meeting of stock holders to be held.

Seventh. The Stockholders may make the President such compensation, as to them shall appear reasonable.

President may be paid.

Eighth. No less than seven 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.)

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.

Bills not to be issued less than five dollars.

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

Dividends.

Eleventh. 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.

Twelfth. In case the officers of said corporation in the usual banking hours at said bank, shall refuse or delay payment in gold or silver of any note or bill of said corporation there presented for payment, the said corporation shall be liable to pay as additional damages at the rate of twenty-four per cent. per annum, for the time during which such payment shall be refused or delayed.

Thirteenth. In case any loss or deficiency of the capital stock shall arise from the official mismanagement of the Directors, the persons who are Stockholders at the time of such mismanagement, shall, in their private and individual capacities be respectively liable to pay the same: *Provided however*, That in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him.

Individual
property lia-
ble for the
Bank's debts.

Fourteenth. The holders of the shares or stock in said corporation when this act may expire, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills which may have been issued by said corporation, and which may then remain unpaid, in proportion to the stock which they may respectively hold.

SECT. 4. *And be it further enacted,* That the said bank shall be established and kept in the town of Boston aforesaid.

Obligation to
loan to the
Common-
wealth.

SECT. 5. *And be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding three hundred thousand dollars, at any one time, reimbursable by 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 six hundred thousand dollars.

Special com-
mittee em-
powered.

SECT. 6. *And 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 said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that 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.

Manner of
calling a
meeting of
stockholders.

SECT. 7. *And 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 for three weeks successively in the Boston Patriot and Independent Chronicle,) for the purpose of making, ordaining, and establishing, such by-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.

Directors
required to
transmit to
authority.

SECT. 8. *And 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 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 debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Direc-

tors, and attested by the Cashier, and shall be verified by oath before some person competent to administer the same.

SECT. 9. *And be it further enacted*, That in addition to the capital stock aforesaid of three millions of dollars, the Commonwealth may be interested in the said corporation to the amount of one million five hundred thousand dollars, whenever provision shall be made therefor by law, and the Commonwealth from the time of making any payment towards the capital of said bank, shall be entitled to their proportionate share of the profits and dividends arising from the amount thereof from said bank.

SECT. 10. *And 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.

Counterfeit notes.

SECT. 11. *And be it further enacted*, That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in: *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks that shall be hereafter incorporated within this Commonwealth, from and after the said first Monday of October: *And provided further*, That nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated, under the authority of this Commonwealth, whenever they may think proper so to do.

Tax.

Proviso.

SECT. 12. *And be it further enacted*, That one tenth part of the whole funds of said bank shall always be appropriated to loans to be made to citizens of this Commonwealth, not resident in the town of Boston, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases.

Proportion appropriated for loans.

SECT. 13. *And be it further enacted*, That the Treasurer of the Commonwealth for the time being shall ex officio be a Director of said bank, in addition to the Directors by law to be chosen by the stockholders. And that the Legislature shall have a right from time to time to appoint a number of Directors of the said bank in proportion as the sums paid from the Treasury of the Commonwealth, shall bear to the whole amount

State Treasurer to be Director ex officio.

of the stock actually paid into the said bank, if at any time hereafter they shall judge fit to exercise that right. [June 27, 1811.] Add. act—1816 ch. 86.

Chap. 86.
1811 ch. 82.

An ACT supplementary to "An Act to incorporate the President, Directors, and Company of the Merchants' Bank."

WHEREAS in the sixth article of the third section of the act to incorporate the President, Directors, and Company of the Merchants' Bank, a blank is left of the month, on which the annual meeting of the stockholders shall be holden. Therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said annual meeting for the purposes specified in said article, shall be holden on the first Monday of October annually. [June 27, 1811.]

Annual meet-
ing.

Chap. 87.
1804 ch. 50.
(V. 3. p. 485.)

An ACT in addition to an Act, entitled, "An Act to incorporate the persons herein named, into a company, by the name of The Broad-Street Association, in 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 an Act, entitled, "An Act to incorporate the persons herein named into a company, by the name of The Broad Street Association, in the town of Boston," shall be, and the same hereby is continued in force until the first day of March, in the year of our Lord one thousand eight hundred and thirteen. [Jan. 22, 1812.] Further act—1812 ch. 74.

Act continued.

Chap. 89.

An ACT to incorporate Thomas Seargent Baylies and others, by the name of The Bristol Cotton Manufacturing 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 Thomas S. Baylies, William De Wolf, Eliphalet Williams, Thomas Howe, Joseph Haven, Levi De Wolf, George Pearce, Thomas Hill, jun. Charles Harris, Richard D. Harris, Caleb Peck, Joseph C. Wheaton, and John Field, jun. with such others as may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name and style of The Bristol Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Dighton in the county of Bristol, 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 third day of March, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incor-
porated.

(1808 ch. 65.)

May hold pro-
perty.

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 possessed of such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, in said town of Dighton. [Jan. 31, 1812.]

An ACT to incorporate the district of Berlin into a Town, by the name of Berlin. *Chap. 95.*

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 Berlin, in the county of Worcester, be, and hereby is incorporated into a town, by the name of Berlin, subject to the like duties and requirements, and vested with all the powers, privileges and immunities which other towns do, or may enjoy, agreeably to the constitution and laws of this Commonwealth. *Berlin incorporated.*

SECT. 2. *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 a freeholder, an inhabitant of the said town of Berlin, requiring him to notify and warn the freeholders and other legal voters 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 and appoint at their annual town meetings. *Justice to issue warrant.*
[Feb. 6, 1812.]

An ACT to incorporate a number of persons in the county of Franklin, by the name of The Franklin Glass Factory Company. *Chap. 96.*

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, William Cobb, Jacob Rich, Benjamin Tuel, Samuel Fay, and Ebenezer Williams, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Franklin Glass Factory Company, for the purpose of manufacturing window glass and hollow glass ware, in the county of Franklin, in said Commonwealth, and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and disabilities, prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of manufacturing corporations;" passed the third day of March, eighteen hundred and nine. *Persons incorporated.*
Powers and privileges.
(1808 ch. 65.)

SECT. 2. *And be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of glass in said county of Franklin. *May hold real estate.*
[Feb. 6, 1812.]

An ACT to establish a corporation, by the name of The Trustees of the Baptist Seminary in West Springfield. *Chap. 99.*

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 the town of West Springfield, in the county of Hampshire, a literary seminary by the name of The Baptist Seminary in West Springfield, 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 thereof shall from time to time judge the most useful and expedient, for the purposes of *Seminary established.*

the said institution, and as they may accordingly order and direct.

Trustees in-
corporated.

SECT. 2. *Be it further enacted*, That the number of the said trustees shall never be more than fifteen, nor less than nine, five of whom shall be a quorum for doing business, and the said trustees, who are by this Act created a corporation, shall be, and hereby are declared to have perpetual succession with all the powers and privileges incident and usually given to and exercised, and enjoyed by other institutions of the like nature and purpose. And the said corporation may have and use a common seal, subject to change or alteration when they see cause; and all deeds or other instruments shall be sealed with said seal, and when signed, sealed, executed, acknowledged and delivered, by the treasurer of the said corporation, shall be binding on the said corporation, and shall be good and valid in law.

Empowered
to elect offi-
cers.

SECT. 3. *Be it further enacted*, That the said trustees shall have power to elect by ballot, a secretary and treasurer, and to make such other appointments of officers, and of the principal and subordinate instructors, in the said seminary, 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, resignation, misconduct, or other cause, he 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 temper of subordination, and a just and mild government, in the said seminary, and to annex reasonable penalties, for neglect of duty, or a breach of the laws: *Provided however*, That such statutes and by-laws, shall never be repugnant to the constitution and laws of this Commonwealth.

Proviso.

Monies receiv-
ed and appro-
priated.

SECT. 4. *Be it further enacted*, That all the monies, lands, or other property already subscribed, or which may be hereafter given, assigned, or transferred to the said trustees, for the use of the said institution, shall be received and held by them and their successors in office, in trust; and the said trustees, in behalf of said seminary, may also receive and hold in fee-simple, by gift, grant, demise, bequest or otherwise, any land, or other estate, real or personal, provided the annual income thereof shall not exceed the sum of fifteen thousand dollars; and the said trustees may sell and dispose of the same, and apply the rents and profits thereof in such way as they may judge will be the most productive to the general interests of the said institution, 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 to prosecute and defend the same to final judgment and execution, by the name of The Trustees of the Baptist Seminary in West Springfield.

SECT. 5. *And be it further enacted*, That Benjamin Basset,

Asahel Chapin, Stephen Chapin, Samuel Gill, Ausin Goodyear, Benjamin Hastings, Caleb Humeston, Thomas Rand, and Noah Wolcott, be, and they hereby are appointed and declared to be the first and present trustees of the said seminary. And any justice of the peace for the county of Hampshire is hereby authorized, upon application therefor, to issue a warrant, directed to one of the before named trustees, requiring him to notify and warn a meeting of the said trustees, at such convenient time and place, as shall be expressed in said warrant, to organize the said seminary, by the election and appointment of its officers. [Feb. 11, 1812.]

Trustees appointed.

Justice to issue warrant.

An ACT to annex Isaac Walker and Joshua Brewer, with their families and estates, to the Town of Tyringham. Chap. 100.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Walker and Joshua Brewer, inhabitants of the town of New Marlborough, with their polls and estates, be, and they hereby are set off from the said town of New Marlborough, and annexed to the town of Tyringham, in the county of Berkshire, as described within the following limits, viz. Beginning at the north-east corner of the said town of New Marlborough, thence southerly on the line of Sandisfield, one hundred and fifty rods, to a stake and stones; thence north, fifty degrees west, two hundred and fourteen rods, to a stake and stones upon the line between New Marlborough and Tyringham; thence one hundred and seventy-six rods to the bounds first mentioned. [Feb. 11, 1812.]

Persons set off to other town.

An Act to incorporate Larned Corbin and others, by the name of The Merino Wool Factory Company. Chap. 101.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Larned Corbin, Jephthah Bacon, Aaron Tufts, Phinehas Bemis, and William Larned, 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 Merino Wool Factory Company, for the purpose of manufacturing wool and cotton in the town of Dudley, in the county of Worcester, and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an Act, entitled, "An Act defining the general powers of manufacturing corporations," passed the third day of March eighteen hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. Be it further enacted, That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding fifty thousand dollars, and personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of wool and cotton in their various branches in said town of Dudley. [Feb. 13, 1812.]

May hold estate.

Chap. 106.
1802 ch. 61.
(V. 3. p. 64.)

An Act to amend an Act, entitled "An Act to establish the Fifteenth Massachusetts Turnpike Corporation."

Turnpike road
discontinued.

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 said fifteenth Massachusetts turnpike road, as lies north of where the said turnpike road intersects the county road leading from Great Barrington to Stockbridge in the county of Berkshire, being about three fourths of a mile in length, be, and hereby is discontinued, and the proprietors of the said fifteenth Massachusetts turnpike road be, and they hereby are exempted and released from keeping the said three fourths of a mile, of the said turnpike road in repair, any thing in the aforesaid Act of incorporation to the contrary notwithstanding. *And it is also hereby further provided,* that the toll gates and the rates of toll, at the said gates, as established by the Act aforesaid, shall be, and continue the same, as are allowed, in and by the Act aforesaid.

Shall not affect
other roads.

SECT. 2. *And be it further enacted,* That the discontinuance aforesaid, shall in no manner affect any county road already laid out and established upon that part of said turnpike road discontinued as aforesaid; but any county road heretofore laid out, shall be, and remain a county road in future, in the same manner it would have done if the Act establishing said turnpike corporation had not been passed. [Feb. 13, 1812.]

Chap. 107.
1810 ch. 89.

An Act in addition to an Act, passed the twenty-sixth day of February, 1811, entitled "An Act to establish the Baptist Society of Newbury and Newburyport."

Proprietors au-
thorized to sell.

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 meeting house of the Baptist society in Newbury and Newburyport be, and they hereby are authorized and empowered to sell and convey by private contract or public auction as they may think expedient, the walls of said meeting house, and the land under and adjoining the same, belonging to the said proprietors, and to apply the proceeds thereof in such manner as the said proprietors may think proper; and a deed of the premises aforesaid, executed by such person or persons, as by the vote of a legal proprietors' meeting may be appointed for such purpose, and duly acknowledged and recorded, shall be good and sufficient in law, to convey the said land and walls, and to pass the title thereof in fee simple to the purchaser. [Feb. 13, 1812.]

Chap. 109.

An Act to incorporate a number of persons by the name of the First Baptist Society in Salisbury.

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 Daniel Barnard, Joseph Boardman, Thomas Boardman, Thomas Boardman, jun. Stephen Brown, Aaron Clough, Jacob Currier, Benjamin Currier, Richard Currier, Jacob Flanders, jun. Joseph Flanders, Moses Flanders, 3d. Nathan Flanders, Bennet Flanders, Samuel Follensbe, Ezekiel Fowler, Daniel Fowler, Thomas Frost, Moses Gill, William Goodridge, Henry Goodwin, jun. Philip Gould, Allen Greeley, Moses Greeley,

Stephen Greeley, William Huntington, jun. Eliphalet Lowell, Jonathan Martin, Henry Maxfield, Abraham Morrill, jun. David Morrill, David Morrill, jun. Samuel Morrill, John Morrill. Jonathan Morrill. Bradbury Morrill, William Morrill. Benjamin Morrill, James Quimby, Nathaniel Ring, Jeremiah Sawyer, Jabez True, Samuel A. Tucker, James Tucker, and Philip Wadleigh, with their families and estates, together with such as may hereafter associate with them, and their successors, be, and they hereby are incorporated and established as a distinct religious society, by the name of the First Baptist Society in Salisbury, with all the powers and privileges, usually exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

SECT. 2. *Be it further enacted,* That any person belonging to any other religious society in the said town of Salisbury and Amesbury, who may desire to join in religious fellowship with the said Baptist society, and doth declare such desire and intention in writing to the minister, elder, committee, or clerk thereof, fifteen days at least prior to the annual meeting, and receive a certificate of membership signed by the said minister, elder, committee, or clerk, that he or she has actually become a member of, and doth stately and constantly unite in religious worship with the said Baptist society in Salisbury, such person, from the date of such certificate, shall be considered with his or her polls and estate as a member of the said Baptist society, provided always that every person so joining the said Baptist society, shall give like notice of his intention to the committee or clerk of the society from which such person may secede.

Method of becoming a member.

SECT. 3. *Be it further enacted,* That when any member of the said Baptist society may see cause to leave the same, and to unite in religious worship with any other religious society in the said towns of Amesbury or Salisbury, and doth declare such desire and intention in writing to the minister, elder, committee, or clerk of such other society, fifteen days at least prior to the annual meeting thereof; and if such person doth receive a certificate of membership, signed by the minister, elder, committee, or clerk, such person from the date of such certificate, with his or her polls and estate, shall be considered a member of the said society. *Provided however,* that in every case of secession from one society and joining another, in the manner provided by this Act, such person shall be holden to pay his or her tax or proportion of all assessments or other pecuniary parish charges assessed and not paid before such secession.

Manner of leaving.

Proviso.

SECT. 4. *Be it further enacted,* That any Justice of the Peace for the county of Essex is hereby authorized, upon application therefor, to issue a warrant directed to a member of the said Baptist society, requiring him to notify and warn a meeting thereof, at such convenient time and place, as may be appointed in the said warrant, to organize the said society by the appointment of its officers. [Feb. 17, 1812.]

Justice to issue warrant.

Chap. 111.
1804 ch. 93.
(V. 3. p. 528.)

An ACT for continuing in force an Act, entitled "An Act making a temporary alteration in the toll receivable on certain articles by the proprietors of the upper Locks and Canals on Connecticut river, in the county of Hampshire."

Proprietors authorized to receive toll.

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 upper locks and canals on Connecticut river, in the county of Hampshire, be, and they hereby are authorized to demand and receive hereafter the same toll on certain articles passing through their works which they were authorized to demand and receive by virtue of an Act, entitled "An Act making a temporary alteration in the toll receivable on certain articles by the proprietors of the upper Locks and Canals on Connecticut river in the county of Hampshire." Provided however, that the toll hereby authorized to be received be subject to be regulated by the General Court, according to the provision contained in the original Act of incorporation, passed on the twenty-third day of February, in the year of our Lord one thousand seven hundred and ninety-two. [Feb. 17, 1812.] Further act—1813 ch. 84.

(1804 ch. 98.)

Proviso.

Chap. 112.

An ACT to incorporate the proprietors of the Birmingham Factory.

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 Benjamin Andrews, Amos Lawrence, 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 the Birmingham Factory, for the purposes of manufacturing cutlery, buttons, brass and plated furnitures, and various hard-wares within the town of Boston, or any where within seven miles of said town, and for this purpose shall have all the powers and privileges, and be subject to the duties and regulations contained in an Act passed by the General Court March the third one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."*

(1808 ch. 65.)

Possession of property allowed.

SECT. 2. *Be it further enacted, That said corporation may take and hold real estate not exceeding the value of eighty thousand dollars, and personal estate not exceeding the value of three hundred thousand dollars, for the purpose of establishing and carrying on the manufacturing of such wares as aforesaid. [Feb. 17, 1812.]*

Chap. 115.
1805 ch. 16.
(V. 3. p. 613.)
1810 ch. 20.

An ACT to extend the charter 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 the Worcester and Fitzwilliam Turnpike Corporation shall be allowed three years from the fifteenth day of June, one thousand eight hundred and twelve, for making and completing their said road, viz. from the north line of this Commonwealth, in the town of Royalston, near Graves' Mills, so called, to the dwelling house of Eden Baldwin in Templeton, near Baldwin's mills. [Feb. 17, 1812.]

An ACT for continuing in force an Act, entitled "An Act making a temporary alteration in the toll to be received by the proprietors of the Locks and Canals on Connecticut river."

Chap. 116.
1804 ch. 79.
(V. 3. p. 515.)

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 locks and canals on Connecticut river be, and they hereby are authorized hereafter to demand and receive the same toll that they were authorized to demand and receive by virtue of the Act aforesaid, passed on the eighth day of March in the year of our Lord one thousand eight hundred and five, and entitled "An Act making temporary alteration in the toll to be received by the proprietors of the Locks and Canals on Connecticut river." *Provided however,* that the said toll be subject to be regulated by the General Court according to the provision for that purpose made, and contained in the original Act of their incorporation. [Feb. 17, 1812.]

Proprietors authorized to receive toll.

Proviso.

An ACT to alter the name and title of an Act passed February 24, 1810, incorporating Timothy Burbank and others by the name of the Agawam Cotton, Woollen, and Linen Manufactory.

Chap. 117.
1809 ch. 59.

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 corporation aforesaid shall be allowed to take the name of the Agawam Manufacturing Company, and by that name shall hereafter be known instead of the aforesaid name.

Name altered.

SECT. 2. *Be it further enacted,* That all acts, engagements, promises, and things heretofore done or entered into by said corporation, shall be as binding on the same as though this Act had never been passed, any thing in the original Act to the contrary notwithstanding. [Feb. 18, 1812.]

Former law binding.

An ACT to incorporate the Trustees of the Ministerial Fund in the town of Watertown.

Chap. 119.

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 White, Levi Thaxter, Nathaniel R. Whitney, John Fowle, and Peter Clark, be, and they hereby are constituted and made a body politic and corporate, by the name of the Trustees of the Watertown Ministerial Fund: and they and their successors in office, shall by that name continue to be a body politic and corporate forever. And the said corporation shall have power to have and use a common seal, subject to alteration when they see cause; and shall also be capable in law as a corporation, to sue and be sued, in any action, real, personal, or mixed, and prosecute and defend the same, to final judgment and execution, and may also pursue and oppose, settle and adjust, as well out of, as in any court of justice, all claims and demands in favour of, or against them in their said capacity, in such way and manner as they may think expedient.

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said trustees, as soon hereafter as may be, and forever hereafter, in the month of March or April annually, shall elect one of their number as president, and whenever the said office shall become vacant,

Trustees empowered.

by death, resignation, or otherwise; and shall also in the said month of March or April annually, elect a clerk, and whenever the office of clerk shall be vacant, whose duty it shall be to record the doings and proceedings of the said trustees at their regular meetings, in a book or books to be kept for that purpose: and the said trustees shall annually in said months of March or April, and at all other times, when one shall be wanting, choose a treasurer to receive all monies and other property, and to keep and apply the same, as is hereinafter directed. And every clerk and treasurer, before entering upon his said office, shall be sworn, to the faithful discharge of the duties thereof, and a record thereof shall be entered in the books of the corporation.

SECT. 3. *Be it further enacted*, That the number of the said trustees shall not exceed seven, nor be less than five, a majority of whom shall constitute a quorum for doing business: and they may from time to time remove any of their number, who shall become unfit or incapable, through age, infirmity, misconduct, or any other cause, of discharging his duty; and they shall within ten days after such removal, or after any vacancy shall happen, by death, resignation, or otherwise, give information thereof to the selectmen of said town, and the town at a legal meeting may fill up such vacancy or vacancies within three months after such information received: but if such vacancy or vacancies shall not be filled by said town within three months, then the remaining trustees may proceed to supply such vacancy from the inhabitants of the said town. And the said trustees shall annually in the months of March or April, hold a meeting to transact their business, and as much oftener as they may think proper.

SECT. 4. *Be it further enacted*, That it shall be, and it is hereby made the duty of the said trustees and their successors to use, manage and improve all the ministerial lands of said town, except that now occupied by the Rev. Richard Rosewell Elliot, in such way and manner as in their discretion and judgment will best obtain and secure the end of their incorporation: and also to manage and improve all such estate, real, personal, or mixed, as may hereafter come to them in their said corporate capacity, by gift, grant, devise, or otherwise, by operation of law, and which they are hereby made capable of receiving and holding in their said corporate capacity; and they are also hereby authorized and empowered to lease, sell, or convey, in fee simple, or otherwise, all or any part of said ministerial land, or any other property which may hereafter come to them, in their said capacity, and for that purpose to make, execute, and acknowledge any good and sufficient deed or deeds thereof, which deed or deeds when signed by the president, and countersigned by the treasurer, and sealed with their common seal, shall bind the said corporation and be valid in law, to convey such land or other property to the purchaser, according to the conditions and meaning of such instrument.

SECT. 5. *Be it further enacted*, That the said trustees and their successors in office be, and they hereby are authorized

Trustees to
supply vacancies.

Authorized to
improve lands.

and empowered, at the expense of said town of Watertown, to establish and make any road, street, lane, and passage ways upon and over any part of such land, as they now hold, or may hereafter hold, in their said corporate capacity, and the same to alter or discontinue, as they may think proper: *Provided*, they do not thereby infringe or impair the rights of any individual, who may hereafter become interested in the same lands, or of any other person whatever.

Trustees empowered.

SECT. 6. *Be it further enacted*, That all money coming to the said trustees, in their corporate capacity, shall be loaned on interest, and secured by the bond or note of the borrower with sufficient sureties, or by his bond or note, with mortgage on real estate, to double the amount of the sum loaned, or they may invest all, or any part of said money, in public funded securities, or bank stock, as they may judge best; and whenever the annual interest or income of said ministerial fund, whether real or personal estate, shall amount to the sum of two hundred dollars, and upwards, the same shall be applied toward the support of the minister of said town, in such manner as said town may direct; and whenever the said interest or income shall amount to a sum more than sufficient to pay the salary of the said minister, the surplus thereof shall be added to the principal of the said fund, unless otherwise appropriated by said town; and the said town shall never have power to alienate, alter, or diminish the principal of said fund, or to change the appropriation thereof from the support of the minister of the said town.

Monies received and appropriated.

SECT. 7. *Be it further enacted*, That the said treasurer, before entering upon his said office, shall give to the said trustees and their successors, his bond, with good and sufficient sureties, in such sum as the said trustees shall require, for the faithful discharge of the duties of his said office, and the said treasurer shall be the receiver of all monies and effects due, owing, or coming to said trustees, and he shall have the care and custody of all the money, effects, and all obligations, securities, and evidences of property belonging to the said trustees, to be accountable therefor, and shall render a fair and regular account of all his doings, and of the property and effects in his hands, whenever the said trustees shall require it, and shall dispose of the same, as they shall order and direct, and shall deliver over to his successor in the same office, as soon as may be, all the books and papers, property, and evidences, of property, in his hands, in good order and condition.

Treasurer to give bond.

SECT. 8. *Be it further enacted*, That the said trustees and their successors shall be liable to the said town of Watertown, in their own private property and persons, for any negligence or misconduct in their said capacity as trustees. *Provided however*, That no one of them shall be so liable, who shall make it appear, that such negligence or misconduct did not in any way arise or happen through his own personal agency or omission, and the remedy of said town, shall be by an action of trespass on the case: and the said trustees and their successors shall in each and every year, in the months of March

Trustees responsible.

Proviso.

or April, at the annual meeting of said town, exhibit a fair statement of their proceedings and of the state of the funds under their management: and the said trustees, or others, for any services performed on the behalf of the said funds, shall not receive any compensation therefrom, but such allowance may be made to them, from time to time, as the said town may see cause, and order accordingly.

Justice to issue warrant.

SECT. 9. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex is hereby authorized, upon application therefor, to issue his warrant, directed to one of the trustees before named, requiring him to notify and warn the first meeting of the said trustees, at such convenient time and place as shall be expressed in said warrant, to organize the said corporation, by the appointment of its officers. [*Feb. 18, 1812.*]

Chap. 121.

An ACT to annex John Nuting, and others, to the town of Amherst.

Boundaries fixed.

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 land belonging to the town of Hadley, with the inhabitants thereon contained, within the boundaries hereafter mentioned and described, to wit, beginning at the south-west corner of Amherst, thence running the course of the west line of said Amherst, southerly until it intersects the north line of South Hadley; thence easterly by the north line of said South Hadley and Granby to the line of Belchertown; thence northerly by said Belchertown line to the south-east corner of said Amherst; thence by the southerly line of said Amherst to the first mentioned corner or bound, be, and hereby are set off from the said town of Hadley, and annexed to the said town of Amherst, and shall forever hereafter be considered as belonging thereto. *Provided nevertheless*, That the said John Nuting, and others, shall pay their proportionable part of all taxes, which are already assessed or levied on the said town of Hadley, in like manner as though this act had not passed.

Proviso.

SECT. 2. *And be it further enacted*, That in all State taxes, which shall hereafter be granted until a new valuation shall be settled, one fortieth part of the taxes which would have been set to the said town of Hadley, according to the valuation adopted at the present session of the General Court, shall be taken therefrom, and set to the said town of Amherst. [*Feb. 18, 1812.*]

Chap. 122.
1811 ch. 38.

An ACT in addition to an Act, entitled, "An act to incorporate certain persons for the purpose of building a bridge over Connecticut river, between Sunderland and Deerfield, in the county of Hampshire."

Possession of property allowed.

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 Sunderland bridge be, and they hereby are authorized and empowered to purchase and hold in their corporate capacity, such real estate, not exceeding in value two thousand dollars, as may be necessary to enable them to carry into effect the act to which this is in addition. [*Feb. 18, 1812.*]

AN ACT to authorize and empower Benjamin Goodhue and others, or any or either of them his associates, to build a bridge over the North river, in the town of Danvers, or to widen and repair a Dam at Trask's mills, (so called) in the town of Danvers, and for other purposes.

Chap. 123.

Persons incorporated.

Proviso.

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, Benjamin Goodhue, and others his associates, or any, or either of them, be, and they hereby are authorized and empowered to build a bridge over the North river, in the town of Danvers, at, or near a place called Trask's mills, in the town of Danvers, or to widen and repair the mill-dam at Trask's mills, so called, in Danvers. Provided, That the said Goodhue and others his associates, or any or either of them, who shall build the said bridge, or widen and repair said dam, shall do the same at their sole expense, and keep the same in repair, and open, and free from all obstructions to the public. Provided also, That they first obtain the consent of the owner or owners of said mills and dam, and do not infringe the rights of the owner or owners of said mill-dam, and that neither of the towns of Salem or Danvers shall ever be held to pay, or to be at any charge or expense in the building of the said bridge, or widening and repairing said dam, or keeping either of them in repair. [Feb. 18, 1812.]

AN ACT to establish The First Universal Society in Salisbury.

Chap. 126.

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 Morrill, Jonathan Morrill, jun. Jacob Morrill, Henry Morrill, jun. Ephraim Brown, Aaron Osgood, Peter Osgood, John Osgood, jun. Richard Osgood, Philip Colby, Eliphalet Wadleigh, Ephraim B. Wadleigh, Enoch Wadleigh, Enoch Currier, Ezekiel Currier, David Currier, jun. Ebenezer Jackson, Joseph Jewell, Benjamin Joy, Moses Carter, John P. Sweatt, German Senter, John Sanborn, Thomas Sanborn, Jonathan King, Isaac Knap, jun. John Blasdell, Lowell Bagley, Stephen H. Bagley, Jacob Gale, Jonathan French, Edmund Barnard, Timothy Collins, Winthrop Collins, Daniel Curtis, William Davis, William Dennett, Isaac Chandler, Sargent Moody, John Hoyt, Thomas Hoyt, jun. Edmund Sargent, William Nichols, Moses Nichols, jun. Joseph Tuxbury, Samuel Hoyt, Bagley Carter, Nathaniel Wyer, Ebenezer Whitmore, John Bayley, jun. Benjamin F. Russell, Enoch Smith, Joseph Hoyt, jun. and John Butler, with their families and estates, be, and they hereby are incorporated as a distinct religious society, by the name of The First Universal Society in Salisbury, for religious purposes only, and as such shall have all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth.*

SECT. 2. *Be it further enacted, That any person who may desire to join in religious worship, and to become a member of the said Universal Society, shall have liberty so to do, by giving notice of such desire and intention in writing to the clerk of the society where such person has formerly attended*

Method of becoming a member.

on public worship, and also a copy of the said notice in writing to the clerk of the said Universal Society, fifteen days previous to the annual meeting, and such person, from the date aforesaid, with his or her polls and estate, shall be considered a member of the said Universal society.

Manner of leaving.

SECT. 3. *Be it further enacted*, That when any member of the said Universal society shall see cause to leave the same, and to unite with any other religious society, the like notice and process shall be made and given, mutatis mutandis, as is prescribed in the second section of this act. *Provided always*, That in every case of secession from one society, and joining to another, the person so seceding shall be holden, in law, to pay his or her proportion of all parochial expenses assessed and not paid prior to leaving the said society.

Proviso.

Justice to issue warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Essex is hereby authorized to issue a warrant directed to a member of the said Universal Society, requiring him to notify and warn the first meeting of the said society, 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 accustomed to choose and appoint at their annual meetings. [Feb. 22, 1812.]

Chap. 128.
1809 ch. 33.

An ACT in addition to an Act, entitled "An Act to establish a Corporation by the name of The Granville Turnpike Corporation," passed the twentieth of June, one thousand eight hundred and nine.

Corporation authorized.

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 Granville Turnpike Corporation, may, and they hereby are authorized to make said road eighteen feet in width, instead of twenty-four feet, as by the said act, they were required, any law, usage, or custom to the contrary notwithstanding.

Committee authorized.

SECT. 2. *Be it further enacted*, That the Committee that shall be appointed to accept said road, shall also be authorized to appoint the place for erecting the gate. [Feb. 22, 1812.]

Chap. 130.

An ACT to establish the Town of Fairhaven.

Town 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 easterly part of New Bedford, in the county of Bristol, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of Fairhaven, viz. beginning at the mouth of Acuchnot river; thence northerly by said river, until it comes to the north side of a bridge at the head of said river; thence westerly by the north side of the highway to Swift's corner (so called); thence northerly by the easterly side of the highway which leads to Rounswell's furnace until it comes to Freetown line; thence easterly by the line of said Freetown till it comes to Peaked Rock (so called) in the northeast corner of the town of New Bedford; thence southerly by Rochester line till it comes to Buzzard's Bay; thence by

Boundaries described.

said Bay to the first mentioned bound. And the said town of Fairhaven 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 of all state and county taxes which shall be levied and required of said towns, previous to a new valuation, the said town of Fairhaven shall pay three tenth parts thereof. Holden to pay proportion of taxes.

SECT. 3. *Be it further enacted*, That all the expenses arising for the support of the poor of said town of New Bedford, with which it is now chargeable, together with such poor as have removed out of said town prior to this act of incorporation, but who may hereafter be lawfully returned to said town for support, shall be divided between the two towns in proportion to the taxes which they are liable to pay respectively, according to this act. To support poor.

SECT. 4. *Be it further enacted*, That John Hawes, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of Fairhaven, requiring him to notify and warn the inhabitants thereof, qualified to vote for town officers, to meet at such convenient time and place as shall be expressed in his said warrant, to choose all such officers as towns are by law authorized to choose in the months of March or April annually. And that the said John Hawes, Esq. be, and he hereby is authorized and empowered to preside at said meeting during the election of a moderator, and to exercise all the powers, and do all the duties which town clerks by law have and do perform in the elections of moderators of town meetings. [Feb. 22, 1812.] Warrant to be issued.

An ACT to establish the Town of South Reading.

Chap. 131.

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 tract or parcel of land with the inhabitants thereon, which is within the bounds of, and known by the name of the first or south parish in Reading, in the county of Middlesex, as the same has heretofore been bounded and described, be, and the same is hereby incorporated and established as a town, by the name of South Reading, and the said town is hereby vested with all the powers and privileges, and also subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth. Town incorporated.

SECT. 2. *Be it further enacted*, That the inhabitants of said town of South Reading shall be holden to pay all State, town and county taxes, which have been assessed upon them, prior to the passing of this act, and they shall also be holden to contribute and pay to the town of Reading, their just proportion of all debts, now actually due and owing by that town, and the said town of South Reading shall also be holden to support as nearly as may be its due proportion of all paupers who are now supported by said town of Reading, whether the same be in whole or part so supported, and after the organization of Holden to pay taxes.

South Reading, such proportion of paupers shall be delivered to the overseers of that town to be supported, and maintained by them accordingly. And in case any person not resident in Reading, but having a legal settlement therein, shall hereafter be returned to that town for support, in case such person derives his settlement from any person who has heretofore resided in that territory, now established as South Reading, then and in such case, such poor person shall be returned to, and be liable to be maintained by South Reading, provided that such town shall in no case be chargeable with the support of any paupers who would not have been chargeable to said town of Reading.

Justice to issue
warrant.

SECT. 3. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex is hereby authorized, upon application therefor, to issue a warrant directed to a freeholder and inhabitant of said town of South Reading, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the warrant, to choose such officers as towns are by law empowered and required to choose at their annual town meeting. *Provided*, that the said town of South Reading shall be holden until the further order of the Legislature to pay to the town of Reading, such proportion, if any, of the expenses of maintaining the bridges and causeways over Ipswich river, within said town, as a committee of the Court of Sessions for said county shall determine, and said Court of Sessions are hereby authorized, on the application of either of the inhabitants of Reading, or South Reading, from time to time, to appoint a committee for the above purpose, whose report, made to and accepted by said court, shall be binding on the said towns. [Feb. 25, 1812.]

Chap. 134.

An ACT to annex John Harris to the Third Parish in Roxbury.

Land set off.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Harris of Brookline, and one acre of land with the buildings thereon, for parochial purposes only, be, and hereby are set off from the town of Brookline, and annexed to the third parish in Roxbury, there to do the duties, and enjoy the privileges of a parishioner. *Provided*, the said John Harris shall be holden to pay all arrears of assessments, and all other parish charges, due and unpaid at the passing of this act. [Feb. 25, 1812.]

Chap. 138.

An ACT to establish the Town of Seekonk.

Town 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 westerly part of Rehoboth in the county of Bristol, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of Seekonk, viz. Beginning at a rock in the line between the towns of Attleborough, and Rehoboth which is the northeast corner boundary of the west precinct in said Rehoboth; thence south four degrees west un-

til it strikes the line between the towns of Swanzey and said Rehoboth; thence westerly by Swanzey line till it strikes the line between said Rehoboth and the State of Rhode Island and Providence Plantations; thence following the line between the State of Rhode Island and Providence Plantations and said Rehoboth, till it comes to the south-west corner of the town of Attleborough; thence easterly by the line between the towns of Attleborough and Rehoboth to the first mentioned bounds; and the said town of Seekonk is hereby vested with all the powers and privileges, rights and immunities, and subject to all the duties to which other towns are entitled and subjected by the constitution or laws of this Commonwealth.

Boundaries described.

SECT. 2. *Be it further enacted*, That of all state and county taxes which shall be levied and required of said towns, previous to a new valuation, the said town of Seekonk shall pay pay one half thereof.

SECT. 3. *Be it further enacted*, That all the expenses arising for the support of the poor of said town of Rehoboth, with which it is now chargeable, together with such poor as have removed out of said town prior to this act of incorporation, but who may hereafter be lawfully returned to said town for support, shall be equally divided between the towns of Seekonk and Rehoboth; and when the said town of Seekonk shall be organized, the paupers, whether the same be supported in whole or in part only, shall be divided as nearly as may be, and one half of the number delivered over to the overseers of the poor of that town, to be by them in future supported.

To support poor.

SECT. 4. *Be it further enacted*, That Elkanah French, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of Seekonk, requiring him to notify and warn the inhabitants thereof, qualified to vote for town officers, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law authorized to choose in the months of March or April annually. And that the said Elkanah French, Esq. be, and he hereby is authorized and empowered to preside at said meeting during the election of a moderator, and to exercise all the powers, and to do all the duties which town clerks by law have and do perform in the elections of moderators of town meetings. [Feb. 26, 1812.]

Warrant to be issued.

An Act in addition to an Act, entitled "An Act to incorporate a religious Society, by the name of The First Parish in the Town of Charlestown.

Chap. 146.
1802 ch. 107.
(V. 3. p. 156.)

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 appropriated pews in the meeting house of the First Parish in the Town of Charlestown shall, from and after the passing of this act, be solely authorized and empowered to vote in, and manage the concerns of the said corporation; and they, with their estates, and not the persons who occasionally hire pews or seats in said house, shall be liable to all assessments or taxes for the charges of the said parish; and in all cases two votes, and no more, may

Proprietors authorized.

(Altered by
1822 ch. 8.)

Proviso.

be given in the right of each pew. *Provided nevertheless*, That no proprietor of a pew, who is a member of another religious society, shall be entitled to vote, or be liable to any other tax than the weekly assessment on his pew.

Duty of Clerk.

SECT. 2. *And be it further enacted*, That all deeds and conveyances of, and executions extended on the pews in said meeting house, shall be recorded by the clerk of the said parish in a book to be provided for that purpose; and being so recorded shall be considered valid in law; and the parish Clerk shall be entitled to the same fees as are or may be allowed to Registers of Deeds for similar services.

SECT. 3. *And be it further enacted*, That in the first section of the act, entitled, "An act to incorporate a religious society by the name of The First Parish in the Town of Charlestown," the words "and such other inhabitants of the said town as do now attend the public worship of God, and the instructions of Dr. Jedidiah Morse, their minister in said house," together with the second, third, fourth, fifth, and seventh sections of the said act, be, and they are hereby repealed. [Feb. 23, 1812.] Further act—1822 ch. 8.

Chap. 147.

An Act to establish a Town by the name of North Brookfield.

Boundaries described.

Town 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 all that part of the town of Brookfield which has been heretofore called and known by the name of the Second or North Parish (excepting that part of said territory now lying south of the post road, leading from Worcester through Spencer to Springfield,) together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of North Brookfield. And the said town of North Brookfield 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 laws of this Commonwealth.

Possession of property allowed.

SECT. 2. *Be it further enacted*, That the inhabitants of the said town of North Brookfield shall be entitled to hold such proportion of all the personal property now belonging to and owned in common by the inhabitants of the town of Brookfield, as the property of the said inhabitants of North Brookfield bears to the property of all the inhabitants of the town of Brookfield, according to the last valuation thereof.

SECT. 3. *Be it further enacted*, That the inhabitants of the said town of North Brookfield 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 now due and owing from the said town of Brookfield, or which may be hereafter found due and owing by reason of any contract or other matter and thing heretofore entered into, or now existing.

To support poor.

SECT. 4. *Be it further enacted*, That the said town of North Brookfield shall be holden to support their proportion of the present poor of the town of Brookfield, which proportion shall

be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable, as paupers, to the town of Brookfield and North Brookfield, 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.

SECT. 5. *Be it further enacted*, That the said town of North Brookfield shall be holden to pay their proportion of all state, town, and county taxes assessed on the inhabitants of the said town of Brookfield, until a new valuation shall be made of the said towns. *Provided*, That the said town of North Brookfield shall be holden, until the further order of the Legislature, to pay the town of Brookfield such proportion of any of the expenses of maintaining the bridges and causeways over the rivers in the town of Brookfield, as a committee of the Court of Sessions for the county of Worcester shall determine; and said Court of Sessions are hereby authorized, on application of either of the inhabitants of Brookfield or North Brookfield, from time to time, to appoint a committee for the above purpose, whose report, made to and accepted by said court, shall be binding on the said towns.

Holden to pay taxes.

(Repealed 1817 ch. 155.)

SECT. 6. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, upon application therefor, is hereby authorized to issue his warrant, directed to any freeholder in the said town of North Brookfield, 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. [*Feb. 28, 1812.*] See 1817 ch. 155.

Justice to issue warrant.

An ACT authorizing a Lottery for completing the repairs of Plymouth Beach.

Chap. 148.

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 lottery be granted to the town of Plymouth, to raise the sum of sixteen thousand dollars, for the purpose of completing the repairs of Plymouth Beach, in the county of Plymouth; and the town of Plymouth shall appoint the managers thereof, and the agents for expending said money, with power to remove the managers and agents, and to fill vacancies in the board of managers and agents, either by their Selectmen, or in such other way as the town shall direct; and the managers of said lottery, from time to time, shall make and publish such schemes as shall, in their opinion, best promote the purposes of said lottery, draw the same, and transact all business necessarily connected with the duties of their appointment.

Lottery granted.

SECT. 2. *Be it further enacted*, That said managers, before they enter on the duties of their office, shall give bond to the treasurer of the town of Plymouth, with sufficient sureties, in the sum of fifteen thousand dollars, conditioned to pay into the hands of the agent or agents, for applying the money to the object of this grant, the whole proceeds of the said lottery, without deduction for services or expences, excepting one thousand dollars, which bond shall remain with the Treasurer aforesaid, for and during the time of two years 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 on their duties,

Managers to give bond.

shall give the bond and be under oath faithfully to perform the duties of their office.

Agents to
give bond.

SECT. 3. *Be it further enacted*, That the agents aforesaid shall give bond to the Treasurer of the town of Plymouth, faithfully to appropriate the money paid to them by the said managers, without deduction for their expenses or services, under the direction of the town of Plymouth, or such persons as they shall appoint; and the town of Plymouth shall be bound to the Treasurer of this Commonwealth, in the sum of fifteen thousand dollars, faithfully to appropriate the whole sum in this grant to the repairs of said beach, except the sum of one thousand dollars aforesaid; and the managers and agents, to be appointed as aforesaid, shall render an account of their proceedings, which, being approved by the Selectmen of Plymouth, and by them presented to the Governor and Council for their approbation, and if by them allowed, the bond against the town shall then be cancelled.

Paying of
prizes.

SECT. 4. *Be it further enacted*, That all the prizes in said lottery shall be paid by the managers, if demanded, within sixty days after the drawing of any class shall be completed; and all prizes not demanded in one year next after the drawing of any class, shall be considered as generously given for the purposes for which this lottery was granted; and the managers aforesaid, after each class in said lottery is drawn, shall pay, within sixty days, to the agents aforesaid, fifteen sixteenth parts of the proceeds of each class; and no class in said lottery shall be drawn until four fifths of the tickets are sold; and said managers shall be holden to account to the town of Plymouth for the proceeds of all tickets sold, and all prizes drawn to the credit of the lottery, and all prizes not claimed within one year as aforesaid; and the managers shall be jointly holden to pay the prizes drawn against any number, though the ticket drawing such prize be signed by one of them only; and said managers may sell fractional parts of tickets, but not at an advanced price.

Duties of
managers.

SECT. 5. *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 in said lottery, the time and place of drawing, and list of prizes; and shall keep a book in which they shall charge themselves with the amount received for each ticket sold, numbering the same, and also with the amount of the prizes drawn against any number not sold, and likewise such numbers sold as are not claimed in one year; and they shall credit themselves with the amount of the prizes paid to the purchasers of tickets; and the whole business of the lottery shall be completed in five years, at which time the managers of said lottery shall make up and exhibit, to the Selectmen of Plymouth, a fair account of their whole proceedings, which, if approved and accepted by said Selectmen, the said managers shall be entitled to the return of their bond, at the time specified in this act; and the managers and agents, upon the request of the Selectmen of the town of Plymouth, shall exhibit an ac-

count of their doings, from time to time, when required. [Feb. 28, 1812.] Add. acts—1812 ch. 18: 1814 ch. 104: 1816 ch. 71.

An ACT to incorporate a number of persons by the name of The First Universalist Society in Salem. Chap. 150.

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 Beckford, Nathaniel Frothingham, Robert Leach, Jeduthan Upton, Henry Rust, William Meriam, Thomas Newhall, Henry Tibbets, Zachariah Burchmore, Jeduthan Upton, jun. Charles Steel, Nathan Luther, Samuel C. Pope, John Snethen, James Moody, Abraham Wendell, Henry Grant, Andrew Morgan, Joseph Newhall, Moses Thomas, Jethro Thomas, Seth Saltmarsh, John Ferguson, Samuel K. Putnam, Daniel Dutch, William Cleaveland, Ebenezer Burrell, Ward Chipman, Samuel Wilson, Hero Nichols, William Fabens, Joseph Ropes jun. Joseph Mansfield, Samuel Mansfield, Benjamin Cox, jun. William Woodbury, Nathaniel Archer, George Ward, Jonathan Howard, Peter Hodson, Joshua Beckford, Thomas Driver, Ellis Mansfield, Stephen Driver, jun. Richard Hay, Henry Archer, Nathaniel Fowle, and Lemuel Horton, with their families and estates, together with such others as may hereafter associate with them, and their successors, in the manner provided by this act, be, and they are hereby incorporated as a religious society by the name of The First Universalist Society in Salem, with all the powers and privileges, 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 living in Salem, or in any of the neighbouring towns, who may desire to become a member of the said Universalist society, shall declare such intention to the clerk or committee of said society, fifteen days at least previous to their annual meeting, and if such person do receive, and can produce a certificate of admission, signed by the clerk or committee, that such person has united with and actually become a member of the said society, such person, from the date of said certificate, shall be considered, with his or her polls and estate, a member of the said Universalist society. *Provided however,* That every such person shall be holden to pay his or her proportion of all parochial expenses in the society to which such person belonged, assessed and not paid, previous to leaving such society.

Method of becoming a member.

Proviso.

SECT. 3. *Be it further enacted,* That when any member of the said Universalist society may see cause to leave the same, and unite with any other religious society, he or she shall give notice of such intention to the clerk or committee of such other society, fifteen days at least previous to the annual meeting, and if such person receive and can produce a certificate of admission, signed by the clerk or committee of such other religious society, that such person has united with and actually become a member of the said other society, such person hav-

Manner of leaving.

ing paid his or her proportion of all monies voted to be raised in said Universalist society, previous thereto, shall be considered from the date of said certificate, with his or her polls and estate, as members of said other society.

Justice to issue
warrant.

SECT. 4. *And be it further enacted,* That any Justice of the Peace for the county of Essex be, and hereby is 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 time and place as shall be appointed in said warrant, to choose all such officers as religious societies have a right to choose at their annual meetings. [Feb. 28, 1812.]

Chap. 151.

An ACT to incorporate the Housatonic Manufacturing Company, in Pittsfield.

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 Richard S. Chappell and John B. Root, together with such others as may hereafter associate with them, and their successors and assigns, be, and they hereby are made a corporation, by the name of The Housatonic Manufacturing Company, for the purpose of manufacturing wool, cotton, flax, and hemp, in the town of Pittsfield, in the county of Berkshire, and for the purpose aforesaid shall have all the powers and privileges, and shall be also subject to all the duties and restrictions prescribed and contained in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

1808 ch. 65.

SECT. 2. *And be it further enacted,* That the said corporation, in their corporate capacity, may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding fifty thousand dollars, as may be necessary for carrying on the manufactures of the said company in the town of Pittsfield. [Feb. 28, 1812.]

May hold es-
tate.

Chap. 152.
1807 ch. 139.

An ACT in addition to an Act, entitled, "An Act incorporating the proprietors of the Norfolk Cotton Manufactory."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation created and established by the act, to which this act is in addition, be, and the same hereby is vested with full power and authority to carry on the manufacture of wool, in its various branches, subject however to the same restrictions, and entitled to the same privileges to which the said corporation is now, by the aforesaid act, subjected and entitled, in the manufacture of cotton. [Feb. 28, 1812.]

Corporation
empowered.

Chap. 155.
1797 ch. 17.
(V. 2. p. 170.)

An ACT in addition to an Act, entitled, "An Act for incorporating certain persons, for the purpose of building a Bridge over Deerfield River (so called), where Williams' Ferry is now kept, 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 the proprietors of Deerfield river bridge, or corporation, be, and they are hereby authorized and empowered to purchase, hold, possess, use and occupy real estate, in their corporate

Proprietors
empowered.

capacity, not exceeding the value of five thousand dollars, for the purpose of erecting a toll house and such other convenient buildings as said corporation, in their said capacity, may think proper. [Feb. 28, 1812.]

An ACT to continue in force an Act, entitled, "An Act to establish the Second Brush-hill Turnpike Corporation."

Chap. 156.
1805 ch. 110.

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 Second Brush-hill Turnpike Corporation" shall be, and hereby is continued in full force and effect, for and during the term of four years, from and after the first day of June next, any thing in said act of incorporation, or in an act defining the general powers and duties of turnpike corporations, to the contrary notwithstanding. [Feb. 28, 1812.]

Act continued
in force.

An ACT to annex Daniel Foot to the Town of Pittsfield.

Chap. 158.

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 Foot, with his family and estate, be, and hereby is set off from the town of Dalton and annexed to the first parish in the town of Pittsfield, for parochial purposes only, there to do the duties and enjoy the privileges of a parishioner.*

Set off.

SECT. 2. *And be it further enacted, That the said Daniel Foot shall be holden to pay all legal taxes that have been assessed upon him by said town of Dalton, prior to the passing of this act.* [Feb. 29, 1812.]

Holden to pay
proportion of
taxes.

An ACT to establish the Worcester and Leicester Turnpike Corporation.

Chap. 159.

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 Denny, Nathaniel Paine, Reuben Sykes, Austin Flint, and Alpheus Dimond, with such other persons as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of The Worcester and Leicester Turnpike Corporation, for the purpose of making a turnpike road between the towns of Worcester and Leicester, viz. Beginning at the foot of a hill between the dwelling houses of Asa Ward and Phineas Jones, in Worcester, to or nearly opposite the meeting house in Leicester, and for the purpose aforesaid shall have all the powers and privileges, and shall be also subject to all the duties, requirements and penalties prescribed and contained in an act passed the sixteenth day of March, eighteen hundred and five, entitled, "An Act defining the general powers and duties of turnpike corporations," and of any acts which have been, or may be made in addition thereto. And no county, town, or private road or way shall be opened into, or connected with the aforesaid turnpike road, without the consent of said corporation first had and obtained; except such county, town, or private road or way, as may be laid out crossing the said turnpike road, and leading in different directions therefrom.*

Persons incor-
porated.

1804 ch. 125.

Authorized to receive toll.

SECT. 2. *And be it further enacted*, That when the said turnpike road shall be made and completed, to the acceptance of the Court of Sessions for the county of Worcester, or a committee by them appointed, the said corporation may erect one half toll gate, and shall have liberty to demand and receive half the usual rates of toll, according to the general turnpike law. [Feb. 29, 1812.]

Chap. 162.

An ACT to incorporate the Proprietors of the Newton Wire 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 Samuel Brown, William Ward, Hendrick W. Gordon, Sylvanus Gray, Benjamin Andrews, and such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name and style of The Newton Wire Manufactory, for the purpose of manufacturing wire and wire work, in all their kinds and branches, 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 by the General Court on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

1808 ch. 65.

Possession of property allowed.

SECT. 2. *Be it further enacted*, That said corporation may take and hold real estate not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, for the purpose of establishing and carrying on the manufactory aforesaid.

SECT. 3. *Be it further enacted*, That said corporation may locate said manufactory in the town of Newton, in this state, or in any place within twenty miles of said town of Newton, at the pleasure and discretion of the stockholders in said corporation. [Feb. 29, 1812.]

Chap. 163.

An ACT to incorporate the Proprietors of the Ministerial Fund in the Parish of Byfield.

Inhabitants 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 inhabitants of that part of the parish of Byfield which lies in the town of Newbury, be, and they hereby are incorporated as a body politic, forever, by the name of The Proprietors of the Ministerial Fund in the Parish of Byfield, for the purpose of managing such funds as now belong to the said inhabitants hereby incorporated, and such other funds as may hereafter accrue to them, for their proportional part of the support of the minister of said Byfield Parish; and the said corporation, by the said name, are hereby declared and made capable, in law, to sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution.

Voters authorized.

SECT. 2. *Be it further enacted*, That all the voters in said corporation, qualified by law, to vote in parish affairs, be, and they hereby are authorized, at their first meeting, which shall be holden, by virtue of this act, to choose a clerk, a treasurer, and

three or five trustees, all of whom shall be chosen annually; and the said trustees and treasurer shall have the care and management of all funds and interest of the said corporation; and the annual meeting of the said proprietors shall be holden in the month of December, and other special meetings may be called in the manner, which the said proprietors may direct and order, and the moderator of any of said meetings is hereby authorized to administer the oath of office to the clerk; and the clerk and treasurer may receive reasonable compensation for their respective services.

SECT. 3. *Be it further enacted*, That the treasurer of said corporation shall give sufficient bonds (in the opinion of the trustees) for the faithful performance of his trust, and he shall, under the direction of the said trustees, be empowered, and hereby is authorized, to receive and let out any or all the money or interest of said corporation, on bond or mortgage; and, when it shall be necessary, to execute a deed or deeds of sale of any lands belonging to said proprietors.

Treasurer to give bond.

SECT. 4. *Be it further enacted*, That the interest arising from said funds shall never be appropriated to any other use than that for which they were given; and the said interest may be applied, by the said proprietors, towards payment of their proportional part of ministerial taxes, as they may, from time to time, order and direct.

Appropriation of interest.

SECT. 5. *And be it further enacted*, That any Justice of the Peace in the county of Essex, on the application of five members of said corporation, shall issue a warrant for calling the first meeting, and the corporation may agree upon the method of calling future meetings. [Feb. 29, 1812.]

Justice to issue warrant.

An ACT in addition to an Act, entitled, "An Act to establish The Hingham and Quincy Bridge and Turnpike Corporation."

Chap. 164.
1807 ch. 92.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Bemis of Canton, in the county of Norfolk, Esquire, he, and he hereby is constituted and made a commissioner, jointly with Jonathan Hunnewell of Boston, and Samuel Bass of Randolph, Esquires, heretofore appointed commissioners, as appears in the act whereto this act is in addition; and the said Joseph Bemis is hereby authorized and empowered to do and perform all the duties and services which are incumbent upon and required of any commissioner aforesaid, in said act named, as though the said Joseph Bemis had been, by said act, appointed in the place of Aaron Hobart of Abington, who was appointed a commissioner in and by said act, and who has since deceased. [Feb. 29, 1812.]

Commissioner constituted.

An ACT to continue in force the Charter of the Plymouth Bank.

Chap. 168.
1803 ch. 63.

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 the twenty-third day of June, in the year of our Lord one thousand eight hundred and three, entitled, "An Act to incorporate sundry persons by the name of The President and Directors of the Plymouth Bank," be, and

the same is hereby contained in force until the first Monday in October next, any thing in the act aforesaid to the contrary notwithstanding. [Feb. 29, 1812.] New act—1812 ch. 58.

Chap. 170.

An ACT to change the Names of certain persons herein mentioned.

Names altered.

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 passing this act, that William Andrews, the third son of John Andrews, of Boston, shall be allowed to take the name of William Barrell Andrews; that John Brown, of Boston, son of John Brown of Sterling, in the county of Worcester, shall be allowed to take the name of John George Brown; that Elijah Clark, son of Humphry Clark, shall be allowed to take the name of Elijah Pope Clark; that William Jarvis shall be allowed to take the name of William Charles Jarvis; that Obadiah Johnson shall be allowed to take the name of William Henry Johnson; that Susan Ann Lovell, daughter of James Lovell, shall be allowed to take the name of Ann Bethune Lovell; that William Machett shall be allowed to take the name of William P. Matchett; that John Marston shall be allowed to take the name of John Melcher Marston; that Henry Parkman, son of Samuel Parkman, shall be allowed to take the name of Samuel Parkman,—all of Boston in the county of Suffolk; that John Buckminster, of Hamilton, shall be allowed to take the name of John Butler; that Elisha Hogg, of Danvers, shall be allowed to take the name of Elisha Dana; that Asa Fletcher, of Danvers, shall be allowed to take the name of William Asa Fletcher; that Polly Smith, of Salem, shall be allowed to take the name of Mary Larkin Smith,—all of the county of Essex; that Samuel Tubbs, of Pembroke, shall be allowed to take the name of Samuel Tubbs Angier; that Calvin Dammon, of Scituate, shall be allowed to take the name of Calvin Damon Wilder,—all of the county of Plymouth; that Abner Gifford, of Westport, shall be allowed to take the name of Abner Browner Gifford; that Raiman Castino (alias Salisbury), and Abigail Castino (alias Salisbury), of Westport, shall be allowed to take the names of Raiman Castino, and Abigail Castino, only,—all of the county of Bristol; that Baxter Olds, of Brookfield, shall be allowed to take the name of Baxter Olds Minot; that Polycarp Putnam, of Sutton, shall be allowed to take the name of John Milton Putnam,—all of the county of Worcester; that Richard Lyman, of Northampton, shall be allowed to take the name of William Cornelius Lyman; that Chase Page Wedgwood Griffin, of Alfred, in the county of York, shall be allowed to take the name of Charles Griffin; that John Kimbal, of Augusta, in the county of Kennebeck, shall be allowed to take the name of John Sawyer Kimball; that Ebenezer M'Intosh, of Portland in the county of Cumberland, shall be allowed to take the name of Henry P. M'Intosh; that Moses Chase, jun. of Newburyport, shall be allowed to take the name of Moses James Chase; that Moses Chase the third, of Newburyport, shall be allowed to take the name of Moses Bailey Chase; that Benjamin Gould, jun. of

Newburyport, shall be allowed to take the name of Benjamin Apthorp Gould,—all of the county of Essex. And the said several persons, from and after the passing of this act, be called and known by the names which by this act they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper and legal names. [Feb. 29, 1812.]

An ACT to empower Solomon Towne to construct a Lock, and open a Canal, from Stiles' Pond in the Town of Boxford, in the county of Essex, to the Cotton Factory of said Towne in Boxford.

Chap. 172.

SECT. 1. *BE it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Solomon Towne, of Salem, in the county of Essex, his heirs and assigns, be, and they are hereby authorized and empowered to construct a lock at the south end of Stiles' Pond in said Boxford, for the purpose of raising a head of waters in said pond, and to open a canal of convenient width and dimensions to conduct and draw off the waters of said pond, to the cotton mill or factory, belonging to said Towne, in said Boxford; and that said Towne, his heirs and assigns, shall have liberty to maintain said lock and keep open said canal, and to pass and repass to and from the same, for the purposes of keeping the same in repair and of heading the waters of said pond, and drawing the same at all times forever.

Persons empowered.

SECT. 2. *And be it further enacted,* That if any person or persons, through whose lands the said canal shall pass, shall suffer any damage by means of the same, and the parties cannot agree upon the amount or value of the damages thus caused, nor upon some suitable person or persons to estimate the same, then and in such case, some disinterested person or persons shall, on petition therefor by the party claiming damage, be appointed by the Circuit Court of Common Pleas, holden within and for said county, after notice to the adverse party; and the determination and report of the referee or referees, so appointed, made in writing and returned by them to the next Circuit Court of Common Pleas for said county, shall be the measure of such damages; and the said court, if they see no sufficient reason to the contrary, shall render judgment thereon, and issue execution therefor. *Provided nevertheless,* That the said court, on application and request of either of the parties, shall issue a warrant to the sheriff of said county, or, in case he is interested, to some coroner of the same county not interested, naming such sheriff or coroner, directing him to summon and impanel a jury of twelve good and lawful men, who shall be sworn to make a true and faithful appraisement of the damages sustained, and their verdict shall be returned by the officer to said court, and when there allowed and recorded, judgment shall be rendered thereon and execution issue accordingly. [Feb. 29, 1812.]

Damages provided for.

An ACT to incorporate the Christian Monitor Society.

Chap. 174.

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 Lathrop, Eliphalet Porter, John Prince, Thad-

Persons incor-
porated.

(Name chang-
ed—
1812 ch. 68.)

Empowered
to choose offi-
cers.

Limitation of
property.

Authority
vested.

Justice autho-
rized.

deus Mason Harris, John Bradford, Horace Holley, Samuel Carey, Jacob Flint, Henry Colman, James Morrill, Elisha Clap, and those who may associate with them, be, and they hereby are erected into a body corporate, by the name of The Christian Monitor Society, and by that name shall have all the rights of a corporation, during the pleasure of the Legislature.

SECT. 2. *Be it further enacted,* That the said Christian Monitor Society, shall have power to choose such officers as said society may think necessary, for the well ordering of the affairs of said society, and to establish such rules, regulations, and by-laws, as may be necessary and proper for the admission of members, and carrying into effect the objects of their institution, provided the same be not repugnant to the constitution and laws of this Commonwealth.

SECT. 3. *Be it further enacted,* That the said society shall never own or possess property to a greater amount than ten thousand dollars.

SECT. 4. *Be it further enacted,* That the only power and authority hereby vested in said society, besides the power and authority herein before given, is to publish from time to time one or more volumes, containing original and selected tracts, information, and essays, on the nature and evidence of divine revelation, and the duties which it inculcates; and to manage and appropriate the funds which said society may possess, for the above mentioned purposes.

SECT. 5. *Be it further enacted,* That any justice of the peace, in the county of Suffolk, be, and he hereby is authorized to call a meeting of the members of the society, by notice in one or more newspapers printed in the town of Boston, on request of any two of the persons above named; and the persons who may convene, in virtue of such notice, may proceed to organize said society, at that meeting, or at any adjournment of that meeting. [Feb. 29, 1812.] See 1812 ch. 59, name changed.

Chap. 175.

1789 ch. 55.

(V. 1. p. 272.)

1792 ch. 78.

(V. 1. p. 442.)

1793 ch. 62.

(V. 1. p. 551.)

1802 ch. 51.

(V. 3. p. 43.)

1803 ch. 152.

(V. 3. p. 441.)

1804 ch. 134.

(V. 3. p. 577.)

1806 ch. 28.

Penalty for
taking fish
contrary to
law.

AN ACT in further addition to an Act, entitled, "An Act to regulate the catching of 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 any person who shall be convicted of catching any salmon, shad, or alewives in Merrimack river, or any river or stream centering to, or running into the same, or shall drag any seine or drag-net, or set any net or pot, or use any other machine for the purpose of catching any of the said fish in the said rivers or streams, within this Commonwealth; at any time or place other than is allowed by the Act to which this is in addition, shall forfeit and pay, for each offence, a fine not less than seven dollars, nor more than thirty dollars, at the discretion of the court before which trial shall be had, according to the aggravation of the offence, any thing in the Act to which this is in addition to the contrary notwithstanding.

SECT. 2. *And be it further enacted,* That from and after the passing this Act, every town in this Commonwealth, bordering

on Merrimack River, and in which there are any ponds, rivers, or streams, centering to, or emptying themselves into Merrimack River, where salmon, shad, or alewives do or would (if not obstructed) go up to cast their spawn, shall, at their annual meeting in the month of March or April annually, choose by ballot, at least six suitable and fit persons as fish-wardens, any law or usage to the contrary notwithstanding.

Fish-wardens to be chosen.

SECT. 3. *Be it further enacted*, That if any person shall be found in any way aiding or assisting in unlawfully fishing, on conviction thereof he shall be adjudged guilty of a breach of the Act to which this is in addition, and shall forfeit and pay the same fine as is provided in this Act for actually fishing on unlawful days.

Penalty for breach of act.

SECT. 4. *And be it further enacted*, That the powers given to fish-wardens, in the Act to which this is in addition, shall be transferred to the selectmen of the several towns, where this law can operate or have force, so far as relates to the opening and preventing obstructions in or across the said Merrimack River, or any of the rivers or streams running into the same; and it shall be the duty of the selectmen of the three nearest or next adjoining towns, where any obstructions are or may be formed in or across said rivers or streams, or the major part of such selectmen, to remove or cause to be removed, after twenty-four hours notice given to the owner, builder, or occupier, all obstructions to a free and suitable passage of said fish up and down the said rivers and streams: and if the owner, builder, or occupier of any dam or other obstruction shall refuse or neglect, for the space of twenty-four hours after notice given as aforesaid, to remove such dam or obstruction, or such part thereof as the selectmen shall direct, the selectmen shall cause the same to be removed at the expense of the owner, builder, or occupier thereof.

Duty of selectmen.

SECT. 5. *And be it further enacted*, That all fines and forfeitures incurred by any breach of this Act, or the Act to which this is in addition, and not exceeding ten dollars, shall enure wholly to the fish-warden complaining; and all fish found, taken on unlawful days, shall be the property of the fish-warden finding them. [*Feb. 29, 1812.*] Further acts—1812 ch. 84: 1819 ch. 4. 20: 1820 ch. 22. 70: 1822 ch. 75.

Fines, forfeitures, &c.

An Act establishing an Academy in the Town of New Bedford, in the county of Bristol, by the name of Friends' Academy.

Chap. 176.

WHEREAS the encouragement of literature in the rising generation, has been considered by the wise and good, as a basis upon which the safety and happiness of a free people greatly depend. And whereas William Rotch has built a convenient house for an academy in New Bedford, in the county of Bristol, for that purpose, and he and his associates have subscribed upwards of ten thousand dollars, for a fund thereto, and have petitioned this court for an act of incorporation.

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 the town of

Academy in-
corporated.

New Bedford, in the county of Bristol, an academy, by the name of Friends' Academy; for the purpose of promoting piety and virtue, and for the education of youth, in such languages and in such liberal arts and sciences as the trustees hereafter provided shall order and direct.

Trustees ap-
pointed.

SECT. 2. *And be it further enacted*, That William Rotch, Elisha Thornton, Thomas Arnold, Samuel Elam, Samuel Rodman, William Rotch, jun. William Dean, Abraham Shearman, jun. and James Arnold, be, and they are hereby appointed trustees of said academy, and they are hereby incorporated into a body politic, by the name of The Trustees of Friends' Academy; and they, and their successors shall be and continue a body politic and corporate by the same name forever.

Seal.

SECT. 3. *And 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 shall see fit; and they 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 name of The Trustees of Friends' Academy, and may appoint an agent or agents to prosecute or defend such suit or suits.

Empowered to
elect officers.

SECT. 4. *And be it further enacted*, That the said William Rotch and others, the trustees aforesaid, and their successors, be, and they are hereby made the visitors, trustees, and governors of the said academy in perpetual succession forever; to be continued in the way and manner hereinafter specified, with full power and authority to elect such officers of the said academy as they shall judge necessary and convenient; and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said academy as to them shall seem fit and requisite.

Number limit-
ed.

SECT. 5. *And be it further enacted*, That the number of the trustees aforesaid shall not at any time be more than fifteen nor less than nine, four of whom, at least, shall be necessary to constitute a quorum for transacting business.

Vacancies sup-
plied.

SECT. 6. *And be it further enacted*, That whenever one or more of the trustees aforesaid shall die or resign, or in the judgment of the major part of the trustees shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or disqualified by any rule or order they may have established; the trustees then surviving may elect one or more persons to fill the vacancy or vacancies.

Proviso.

SECT. 7. *And be it further enacted*, That the trustees aforesaid, and their successors, be, and they are hereby rendered capable in law, to take and hold, by gift or grant, devise, bequest, or otherwise; any land, tenements, or other estate, real or personal, which have heretofore been given, or subscribed, or which may hereafter be given or subscribed, for the purpose aforesaid. *Provided*, The annual income of said real and personal estate shall not exceed the sum of ten thousand dollars; and all deeds and instruments which the said trustees may lawfully make, shall be sealed with their seal, and bind the trustees and their successors, and be valid in law.

SECT. 8. *And be it further enacted*, That Samuel Rodman First meeting.
be, and hereby is authorized and empowered, to appoint the
time and place for holding the first meeting of said trustees,
and notify them thereof. [Feb. 29, 1812.]

An ACT in addition to the several acts for incorporating certain persons for the
purpose of building a Bridge over Merrimack River, between the towns of
Haverhill and Newbury, in the County of Essex, and for supporting the same. Chap. 1.
1794 ch. 3.
(V. 1. p. 523.)
1795 ch. 64.
(V. 2. p. 69.)
1810 ch. 107.

WHEREAS the proprietors of Merrimack Bridge, have re-
presented to the General Court, that the compensation they de-
rive from the toll over said bridge is inadequate, and pray for
an increase of said toll:

*Be it enacted by the Senate and House of Representatives, in
General Court assembled, and by the authority of the same*, That
the following rates of toll be, and hereby are established for
the benefit of said proprietors, in addition to the rates of toll
established by an act passed February twenty sixth, in the
year of our Lord, seventeen hundred ninety six, entitled "An
act in further addition to an act, entitled An act for incorporat-
ing certain persons for the purpose of building a bridge over
Merrimack River, between the towns of Haverhill and New-
bury, in the County of Essex, and for supporting the same,"
passed June fourteenth, seventeen hundred ninety four: for
each foot passenger one cent; for each horse and rider one
cent five mills; for each additional rider, one cent; for each
cart or other carriage of burthen drawn by one beast, two
cents five mills; for each cart, waggon, or other carriage of
burthen, drawn by two beasts, seven cents five mills, for each
additional beast, one cent; for each coach, chariot, phaeton or
other four wheel carriage for passengers, seven cents; for each
curricule or chaise, with two horses, three cents; for each
chaise, chair or sulkey and horse, four cents five mills; for
each horse or neat cattle, exclusive of those rode on, or in
carriages, one cent; for each sheep or swine, five mills; for a
wheelbarrow or handcart with one person, one cent; *Provided*
nevertheless, that the increase of toll granted by this act, may
from time to time, be regulated by the Legislature of this Com-
monwealth at their discretion. [June 11, 1812.] 1795 ch. 64.
Rates of toll.
Proviso.

An ACT to incorporate Joel Farnam and others, by the name of the Westfield
Manufacturing Company. Chap. 2.

SECT. 1. *BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of the
same*, That Joel Farnam, Benjamin Hastings, and Thomas C.
Green, together with such others as may hereafter associate
with them, their successors and assigns, be, and they are here-
by made a Corporation, by the name of The Westfield Manu-
facturing Company, for the purpose of manufacturing Wool
and Cotton in the town of Westfield, in the County of Hamp-
den; and for the purpose aforesaid, shall have all the powers
and privileges, and shall also be subject to all the duties and
requirements, prescribed and contained in an act entitled, "An
Act defining the General powers of manufacturing Corpora-
tions," passed the third day of March, eighteen hundred and
nine, Persons incor-
porated.
(1808 ch. 65.)

Value of es-
tate.

SECT. 2. *Be it further enacted*, That the said Corporation, in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of Wool and Cotton, in their various branches, either separately or mixed, in said town of Westfield. [June 11, 1812.]

Chap. 5.

An Act to incorporate Samuel Waters and others by the name of the Village Cotton, Wool and Linen Manufacturing Company.

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 Waters, Amasa Braman, Estes Howe, Titus V. Shephard, Eseek Brown, Isaac King, Nathaniel Bartlett, Silas Chase, George Viner, John Stockwell, jun. Stephen Bartlett, Nathau Bancroft, Luther Whitmore, Samuel Walker, Daniel Putnam, Absalom Leonard, Francis Sibley, Aaron Hammond, Joshua Waters, and Thomas Kindall, jun. together with such others as may hereafter join or associate with them, their successors, and assigns, be, and they hereby are made a Corporation, by the name of The Village Cotton, Wool, and Linen Manufacturing Company, for the purpose of manufacturing Cotton, Wool and Flax, in the town of Dudley, in the County of Worcester, and shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed in an act, entitled, "An act defining the General powers of manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

(Name alter-
ed 1814 ch.
135.)

(1808 ch. 65.)

May hold es-
tate.

SECT. 2. *Be it further enacted*, That said Corporation, in their Corporate capacity, shall and may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on said manufacture in their various branches as aforesaid. [June 12, 1812.] Name altered 1814 ch. 135.

Chap. 6.

An Act to incorporate Nathan Comstock and others, by the name of the Wrentham Manufacturing Company.

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 Nathan Comstock, Nathaniel Ware, Silas Metcalf, Asa Messer, Calvin Park, George Hawes, David Fisher, jun. and Elijah Cobb, together with 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 Wrentham Manufacturing Company, for the purpose of manufacturing Cotton and Wool at Wrentham, 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An act defining the General powers and duties of manufacturing Corporations."

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the 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 and Wool at Wrentham aforesaid. [June 15, 1812.]

May hold estate.

An ACT to incorporate certain persons by the name of the Adams Glass Factory.

Chap. 7.

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 Shearman, James Mason, Ambrose Kasson, John Bucklin, Jesse Whipple, Josiah Q. Robinson, Isaac Brown, Arthur F. Field, and Thomas Farnum, with such other persons as already have, or hereafter may associate with them, their successors, and assigns, be, and hereby are made a corporation by the name of The Adams Glass Factory, for the purpose of manufacturing Glass, in the town of Adams, 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 third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An act defining the General powers and duties of manufacturing corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding thirty thousand dollars, and such personal estate, not exceeding seventy thousand dollars in value, as may be necessary and convenient for carrying on the manufacture of Glass, in said town of Adams. [June 15, 1812.]

May hold, estate.

An ACT in addition to an Act, entitled, "An Act to secure the town of Newbury Port, from damage by fire.

Chap. 9.
1811 ch. 4.

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, no building of any kind whatsoever, which shall be more than thirteen feet from the ground to the highest point in the roof thereof, shall be placed, erected, or built within that part of the town of Newbury Port, in the county of Essex, which lies on and between the northwesterly side of Market Street, so called, and the southeasterly side of Federal Street, so called, and on and between the northeasterly side of High Street, so called, and Merrimack River, unless all the external sides and ends thereof shall be built or composed of brick or stone, except so much as may be necessary for doors and windows, and all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations, in part or in whole, shall be deemed and considered within the restrictions and regulations of this act. *Provided*, that upon any wharf, marsh, or other place where no sufficient foundation can be obtained without unreasonable expense, on permission of the selectmen, or fire wards of said town, or the major part of them, in writing, wooden buildings of not more than two stories high may be erected; and the permission so given shall, with-

Height of buildings.

Buildings of brick or stone.

Proviso.

Wooden buildings may be erected.

in ten days next after the same may be so given, be recorded in the records of said town.

Height of buildings.

SECT. 2. *Be it further enacted*, That in no other part of the said town of Newbury Port, shall any building be placed, erected or built, which shall be more than twenty five feet high, from the ground to the highest point in the roof thereof, unless all the external sides and ends thereof shall be built or composed of brick or stone, except so much as may be necessary for doors and windows, and all additions to any buildings and all buildings which may be erected on old foundations, in whole or in part, shall be deemed and considered within the restrictions and limitations of this act.

(1811 ch. 4.)

SECT. 3. *Be it further enacted*, That the first section of the act, entitled "An act to secure the town of Newbury Port from damage by fire," be and the same is hereby repealed. [June 18, 1812.]

Chap. 12.
1807 ch. 119.

An ACT in addition to an Act, entitled, "An Act to incorporate a number of persons for the purpose of building a Bridge over Connecticut river, between Pindle's Ferry, and Mill Brook, in the town of Northfield, in the county of Hampshire."

Rates of 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 proprietors of the Northfield Bridge, shall be authorized hereafter to demand and receive for each four wheel pleasure carriage, drawn by two horses, twenty five cents, and four cents for each additional horse; for each wheel carriage drawn by one horse, twelve and an half cents, and four cents for each additional horse; for each waggon or cart, drawn by two beasts, seventeen cents, and for each additional beast four cents; for each sleigh or sled drawn by two beasts, twelve and an half cents, and each additional beast four cents; for each sleigh or sled drawn by one beast, ten cents; for horses, neat cattle, and mules in droves, two cents each; and for sheep and swine, half a cent each: And all the other rates of toll for passing said Bridge, shall remain and continue as provided in the said act to which this is an addition.

May hold real estate.

SECT. 2. *Be it further enacted*, That the said proprietors may purchase and hold any real estate which they may deem necessary and convenient for the accommodation of their toll gatherer, with a house, out houses and garden; and may convey the same at pleasure. [June 18, 1812.]

Chap. 16.

An ACT to incorporate sundry persons, by the name of the First Universalist Society in Scituate.

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 Enoch Collamore, Loring Jacobs, Ichabod R. Jacobs, John Jones, jun. Calvin Wilder, James H. Jacobs, Charles Totman, Charles Jones, Isaac N. Damon, Joshua Bowker, James Jacobs, Abel Silvester, Charles Simmons, William Hyland, David Turner, Samuel Randell, jr. Samuel Randell, Joshua Damon, Ebenezer Totman, Jonathan Turner, Enoch Collamore, jr. Benj. Bowker, John Gross, Josiah Witherell, Samuel Simmons, John Jones, Peleg Simmons, jr. Seth Stoddard, George Litchfield, Elisha

Gross, Reuben Sutton, Theophilus Cotherell, Edward F. Jacobs, Elisha Barrell, Elisha Barrell, jr. Stephen Jacobs, Edward Curtis, with their families and estates, together with such others as may hereafter associate with them, and their successors, in the manner provided by this Act, be and they are hereby incorporated as a religious society, by the name of the First Universalist Society in Scituate, with all the powers and privileges, exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth. Rights and privileges.

SECT. 2. *Be it further enacted*, That any person living in the towns of Scituate and Hanover, who may at any time hereafter be desirous of joining the said first Universalist society in Scituate, and shall certify the same to the clerk of the town where he or she may reside, which certificate shall be recorded by such clerk, shall thereafter, with his or her polls and estate, become a member of said first Universalist society in Scituate: *Provided however*, that such person shall be held to pay to the parish or religious society, which he or she shall leave as aforesaid, his or her proportion of all monies granted by such parish or society, before the filing of such certificate with the town clerk as aforesaid. May become members.

SECT. 3. *Be it further enacted*, That any member of the said first Universalist society in Scituate, who may at any time hereafter, be desirous of leaving said society, and shall certify the same to the clerk of the town where he or she may reside, which certificate shall be recorded by such clerk, shall thereafter, with his or her polls and estate, become a member of such parish or religious society, as by law he or she would belong to in case such person had never become a member of said first Universalist society in Scituate. *Provided however*, that such person shall be held to pay to said first Universalist society in Scituate, his or her proportion of all monies granted by said society, before the filing of such certificate with the town clerk as aforesaid. Proviso.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Plymouth be, and he hereby is authorized to issue his warrant directed to some member of said 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, and to transact all such business, as religious societies have a right to choose and transact, at their annual meetings. [June 18, 1812.] Justice may issue warrant.

AN ACT in addition to an Act authorizing a Lottery for completing the repairs of Plymouth Beach.

Chap. 18.
1811 ch. 148.

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 managers to be appointed by the act authorizing a lottery for completing the repairs of Plymouth Beach, be, and they hereby are authorized to deduct the charges of stationary, printing and other necessary expenses of drawing each class of said lottery, managers services and expenses excepted, from the sum raised by each class; and that the re-

mainder be considered the whole proceeds mentioned in said act, any thing in the act, to which this is in addition, to the contrary notwithstanding. [June 18, 1812.] Further acts—1814 ch. 104 : 1816 ch 71.

Chap. 19.

An ACT to incorporate James Perkins and others by the name of the Hampshire Lead Manufacturing Company.

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 Perkins, Thomas H. Perkins, David Hinkley, Samuel G. Perkins, Josiah Marshall, and Isaac P. Davis, with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Hampshire Lead Manufacturing Company, for the purpose of exploring, digging, working and manufacturing any ore, minerals, metals or fossils in the towns of Easthampton, Westhampton, Northampton, and Southampton, in the county of Hampshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed March third, eighteen hundred and nine.

Powers and
privileges.
(1808 ch. 65.)

May hold es-
tate.

SECT. 2. *Be it further enacted,* That the said company may be lawfully seized and possessed of such real estate, easements and hereditaments within the said towns, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of eighty thousand dollars, as may be necessary or convenient to enable them to prosecute the business of digging, exploring, working and manufacturing any ore, minerals, metals or fossils found in said towns, or either of them. [June 19, 1812.]

Chap. 20.

An ACT to incorporate the Trustees of the Ministerial Fund, in the second parish in Marlborough.

Trustees 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 deacons of the church in the second parish in Marlborough, and the clerk, assessors and treasurer of the said parish, for the time being, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the second parish in Marlborough, and by that name, they and their successors in office, shall be and continue a body politic and corporate forever, and they may have a common seal, which they may alter or change at pleasure, and by that name they may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution.

Choice of offi-
cers.

SECT. 2. *Be it further enacted,* That the said corporation shall and may annually elect a president, and a 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 of their business.

SECT. 3. *Be it further enacted,* That said trustees shall annu-

ally hold a meeting, in the month of March or April, and as much oftener as may be necessary to transact their business, which meetings, after the first, shall be called in such manner, as the trustees may direct; and a majority of said trustees, shall constitute a quorum for transacting business.

Annual meeting.

SECT. 4. *Be it further enacted*, That the clerk of said corporation shall be a member thereof, and shall be sworn in the same manner as town officers, to the faithful performance of the duties of his office; and he shall have the care and custody of all papers and documents belonging to said trustees, except what belong to the treasurer's office; and he shall carefully and fairly record all their votes and proceeding, in a book, to be kept for that purpose, and shall certify the same when thereto required; and he shall call meetings when thereto directed by any one or more of said trustees, and do whatever else may be incident to his said office, and he shall deliver up to his successor in office, as soon as may be, all the records, papers and documents in his hands, in good order and condition, and if he shall neglect so to do, for the space of thirty days next after such successor shall be duly appointed, he shall forfeit and pay to said corporation, a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Clerk sworn.

His duty.

Shall call meetings.

Forfeit for neglect.

SECT. 5. *Be it further enacted*, That the treasurer of said trustees shall be the receiver of all monies 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 all the 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, together with a fair and regular statement of the property, and evidences of property in his hands, whenever they shall require the same to be done, and shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property, in his hands, in good order and condition, and shall give bond to the said trustees, and their successors, with sufficient sureties, and in such sum as the said trustees may direct, conditioned to do and perform all the duties incumbent on him as their treasurer; and if he shall fail to deliver up the same as aforesaid, for the space of thirty days next after such successor shall be duly appointed, he shall forfeit and pay to said corporation, a fine of fifty dollars, and a further sum of thirty dollars per month for such neglect afterwards.

Treasurer's duty.

Shall give bonds.

Forfeit for neglect.

SECT. 6. *Be it further enacted*, That the said trustees and their successors in office be, and they are hereby vested with full power to receive into their hands, all monies, or security for money already received, and that now is, or hereafter may be in the hands of the treasurer of said second parish in Marlborough, being a surplus of money obtained by the sale of the pews in the meeting house belonging to said parish, over and above the cost of said house: and all other monies, subscrip-

Duty of trustees.

tions, donations and security for real or personal estate, that have been, or may hereafter be given, raised or subscribed, and appropriate the same, according to the intention and direction of the donor, or donors, within the provision of this Act: *Provided however*, that said trustees shall not at any time be in possession of a capital, the annual income of which shall exceed the sum of two thousand dollars.

SECT. 7. *Be it further enacted*, That it shall be the duty of said trustees, to use and improve such fund, or estate, as shall be vested in them by this Act, with care and vigilance, so as best to promote the design thereof; and shall always loan upon interest all the money belonging to said fund, in such sums; and for such term of time, not exceeding one year, as they shall think proper, upon the bond or note of the borrower, with at least one surety with the borrower, for the payment thereof; and they shall not at any time loan any sum exceeding the amount of one hundred dollars, without a mortgage on real estate, to three times the amount loaned, as collateral security for the payment of the same, with interest annually; and it shall be their duty annually to apply the interest arising from said fund, towards the salary of the Congregational minister of said parish, and it shall be considered as payment thereof, so far as it goes; and in case the whole of the annual income should be more than sufficient to pay the salary of said minister, for the time being, agreeably to the contract with him, then the surplus shall be added to the principal, unless said parish, at a legal meeting called for that purpose, shall otherwise appropriate the same, which they are authorized to do; but never to alienate, or in any wise alter the fund aforesaid.

SECT. 8. *Be it further enacted*, That the trustees may alienate by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

SECT. 9. *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 if entitled to any, shall have and receive the same of said parish, and as may be mutually agreed on.

SECT. 10. *Be it further enacted*, That said trustees, and their successors, shall each year in the month of March, or April, at the annual meeting of said parish, or oftener, if said parish shall require it, exhibit a fair statement of their proceedings, and of the state of the funds under their management, and are hereby severally made amenable and liable in law to answer to said parish, out of their own estates, for any embezzlement, neglect, or wilful mismanagement of said fund.

SECT. 11. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the trustees named in this Act, requiring him to notify and call a meeting of the said trustees, to be holden at such convenient time

Proviso.

May loan monies,

with security.

Amount of sums to be loaned.

Security.

Shall apply the interest.

Surplus income how appropriated.

Trustees may alienate real estate.

Compensation for services.

Shall exhibit a statement annually.

Justice may issue his warrant.

and place, as may be appointed in said warrant, to organize the said corporation, by the appointment of its officers. [June 19, 1812.]

An Act to incorporate the American Board of Commissioners for Foreign Missions. *Chap. 21.*

WHEREAS William Bartlett, and others, have been associated under the name of the American Board of Commissioners for Foreign Missions, for the purpose of propagating the gospel in heathen lands, by supporting missionaries, and diffusing a knowledge of the holy scriptures. and have prayed to be incorporated in order more effectually to promote the laudable object of their 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 William Bartlett, Esq. and Samuel Spring, D. D. both of Newburyport, Joseph Lyman, D. D. of Hatfield, Jedediah Morse, D. D. of Charlestown, Samuel Worcester, D. D. of Salem, the Hon. William Phillips, Esq. of Boston, and the Hon. John Hooker, Esq. of Springfield, and their associates, be, and they hereby are incorporated and made a body politic, by the name of the American Board of Commissioners for Foreign Missions, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and in their said corporate capacity they, and their successors forever, may take, receive, have and hold in fee simple, or otherwise, lands, tenements, and hereditaments, by gift, grant, devise, or otherwise, not exceeding the yearly value of four thousand dollars, and may also take and hold by donation, bequest or otherwise, personal estate to an amount, the yearly income of which shall not exceed eight thousand dollars, so that the estate aforesaid shall be faithfully appropriated, for the purpose and object aforesaid, and not otherwise. And the said corporation shall have power to sell, convey, exchange or lease, all or any part of their lands, tenements, or other property, for the benefit of their funds; and may have a common seal, which they may alter or renew at pleasure. *Provided however,* that nothing herein contained shall enable the said corporation, or any person or persons, as trustees for, or for the use of said corporation, to receive and hold any gift, grant, legacy, or bequest heretofore given, or bequeathed, to any person or persons in trust for said board, unless such person or persons could by law have taken and holden the same, if this Act had not passed.

SECT. 2. *Be it further enacted,* That the said board may annually choose, from among themselves, by ballot, a president, a vice president, and a prudential committee; and also from among themselves or others, a corresponding secretary, a recording secretary, a treasurer, an auditor, and such other officers as they may deem expedient; all of whom shall hold their offices until others are chosen to succeed them, and shall have such powers, and perform such duties, as the said board may order and direct; and in case of vacancy by death, resignation, or otherwise, the vacancy may in like manner be filled, at

Persons incorporated.

Power.

May hold estate.

How appropriated.

Proviso.

Choice of officers.

Vacancies filled.
Treasurer shall give bond.

any legal meeting of the said board. And the said treasurer shall give bond, with sufficient surety or sureties, in the judgment of the board, or the prudential committee, for the faithful discharge of the duties of his office.

May make contracts.

SECT. 3. *Be it further enacted*, That all contracts and deeds which the said board may lawfully make and execute, signed by the chairman of said prudential committee, and countersigned by their clerk (whom they are hereby authorized to appoint.) and sealed with the common seal of said corporation, shall be valid in law to all intents and purposes.

Annual meeting.

SECT. 4. *Be it further enacted*, That the first annual meeting of said board shall be on the third Wednesday of September next, at such place as the said William Bartlett may appoint; and the present officers of said board shall continue in office until others are elected.

Members, how admitted.

SECT. 5. *Be it further enacted*, That the said board, at the first annual meeting aforesaid, or at any subsequent annual meeting, may elect by ballot any suitable persons to be members of said board, either to supply vacancies, or in addition to their present number.

May make by-laws.

SECT. 6. *Be it further enacted*, That the said board shall have power to make such by-laws, rules, and regulations, for calling future meetings of said board, and for the management of their concerns, as they shall deem expedient, provided the same are not repugnant to the laws of this Commonwealth.

Appropriation of income.

SECT. 7. *Be it further enacted*, That one quarter part of the annual income from the funds of said board, shall be faithfully appropriated to defray the expense of imparting the holy scriptures to unevangelized nations, in their own languages: *Provided*, that nothing herein contained shall be so construed as to defeat the express intentions of any testator or donor, who shall give or bequeath money to promote the great purposes of the board. *Provided also*, that nothing herein contained shall be so construed as to restrict said board from appropriating more than one quarter of said income to translating and distributing the scriptures, whenever they shall deem it advisable.

Proviso.

Who may become members.

SECT. 8. *Be it further enacted*, That not less than one third of said board, shall at all times be composed of respectable laymen; and that not less than one third of said board shall be composed of respectable clergymen; the remaining third to be composed of characters of the same description, whether clergymen or laymen.

SECT. 9. *Be it further enacted*, That the legislature of this Commonwealth shall at any time have the right to inspect, by a committee of their own body, the doings, funds, and proceeding of the said corporation, and may at their pleasure, alter or annul, any or all of the powers herein granted. [June 20, 1812.]

Chap. 22.

An Act to authorize the town of Natick to sell the Ministry Lands, and to appropriate the proceeds thereof towards the ministerial funds, and to appoint trustees for the management thereof.

SECT. 1. *BE it enacted by the Senate and House of Representa-*

ives, in General Court assembled, and by the authority of the same,
 That the selectmen of the town of Natick for the time being; the treasurer and the clerk of the parish, and the deacons of the church for the time being, in the said town of Natick, be, and they are hereby appointed and incorporated as trustees, by the name of Trustees of the Natick Ministerial Fund, and by that name they and their successors in office, shall be and continue a body politic and corporate forever; and they shall have a common seal, subject to alteration, and they 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 name aforesaid, and shall have all other powers which are incident to, and necessarily belonging to the like corporations; and the said trustees, and their successors may annually elect one of their number as president; and a clerk, to record the doings of the said trustees; and a treasurer, to receive and pay the monies belonging to the said fund, according to the provisions of this Act, who shall give bond to the said trustees, for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this Act, and for all neglect, or misconduct in his office.

Trustees incor-
 porated.

Treasurer to
 give bond.

SECT. 2. *Be it further enacted,* That the said trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land belonging to the town of Natick, which have been, and are appropriated to the support of the ministry in the said town; and the monies arising from the sale of the said land, shall be put on interest, and shall form a fund for the support of the ministry in the said town, which shall be under the care and management of the said trustees, in the manner provided for, and directed in this Act; and all gifts, grants, donations, bequests or legacies, which have been, or may be hereafter made to, and for the same use and purpose, shall be added to the said accumulating fund, and shall be under the same care and improvement of the trustees aforesaid; and when the said trustees shall loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate to twice the value of the money loaned, or secured or by two or more sufficient sureties, with the principal, unless the said trustees shall think it best to invest the said proceeds in public funded securities, or bank stock, which they shall have authority to do, and the interest and that only shall ever be appropriated for the uses aforesaid, and it shall never be in the power of the said trustees to alter or alienate the appropriation of the fund aforesaid; and the said trustees are hereby authorized to make and execute a good and sufficient deed, or deeds, of the said several lots of land, which shall be subscribed by the treasurer, and when duly executed, acknowledged and delivered, by the direction of the said trustees, shall be valid and effectual in law to pass and convey the fee simple title, from the town, to the purchaser.

Security of
 property.

SECT. 3. *Be it further enacted*, That the said Trustees, Treasurer, Clerk or other officers, or persons employed by them, shall be entitled to receive no compensation for the services they may perform, out of any monies belonging to the said fund, but a reasonable compensation shall be paid them by the town; and the said trustees, and each of them, shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund, and the debt or damage recovered in such suit, shall be to the use and disposal of the town; and the said trustees and treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the fund, at the annual meeting in March or April.

SECT. 4. *Be it further enacted*, That any justice of the Peace for the County of Middlesex, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the trustees named in this act, requiring him to notify and call a meeting of the said trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said Corporation by the appointment of its officers. [June 22, 1812.]

An ACT to establish the First Baptist Society in Framingham.

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 Haven, Joseph Ballard, William Ballard, Samuel Ballard, Ephraim Parkhurst, Alexander Clark, John Ballard, Elisha Jones, Nathan Deadman, James Dalrymple, Alexander Edwards, Daniel Claffin, Cornelius Claffin, William Claffin, Asa Claffin, Zedekiah Sanger, Gilbert Marshall, Isaac Dench, Micah Knowlton, Michael Homer, Ebenezer Swift, Nathan Tombs, Solomon Newton, Mary Edwards, Jesse Haven, Joseph Haven, Elijah Haven, Abner Mellen, James Greenwood, Samuel Winchester, Amasa How, Parly How, John Gallot, Elias How, Jonathan Edwards, James Foster, Ephraim Biglow, Samuel Frost, Leonard Arnold, Joseph Tombs, Moses Fisk, Isaac Fisk, Thomas Arnold, Artemas Parker, Obiel Daniels, Abijah Hill, Jeduthan Dadman, Gilbert Haven, John Dadman, James Greenwood, 2d. and Levi Bicknall with their families and their estates be, and they hereby are incorporated as a distinct religious society by the name of The First Baptist Society in Framingham for religious purposes only, and as such shall have all the powers and privileges of other religious societies according to the Constitution and Laws of this Commonwealth,

SECT. 2. *Be it further enacted*, That any person belonging to the towns of Framingham, Hopkinton, or Holliston, who may desire to join in religious worship and become a member of the said Baptist society shall have liberty so to do, by giving notice of such desire and intention in writing to the Clerk of the Society where such person has formerly attended on

Trustees responsible.

Chap. 25.

Persons incorporated.

Persons from other towns may join the society.

public worship, and also a copy of the said notice in writing to the clerk of the said Baptist society, fifteen days previous to the annual meeting; and such person from the date aforesaid shall be considered a member of the said Baptist society. (By 1822 ch. 40, 15 days at least.)

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 with any other religious society, the like notice and process shall be made and given, *mutatis mutandis*, as is prescribed in the second section of this act. *Provided always*, that in every case of secession from one society and joining to another, the person so seceding shall be holden by law to pay his or her proportion of all parochial expenses assessed and not paid prior to leaving the said society. May leave the society. Proviso.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex is hereby authorized to issue a warrant directed to a member of the said Baptist society, requiring him to notify and warn the first meeting of the said society, 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 accustomed to choose, and appoint at their annual meetings. [June 22, 1812.] Add. act—1822 ch. 40. Justice may issue warrant.

An ACT to change the Names of certain persons therein named.

Chap. 26.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Freeland, jun. of Boston shall be allowed to take the name of Joseph Freeland Bordman, James Perkins son of the late Colonel William Perkins of said Boston shall be allowed to take the name of Charles James Perkins, all of the County of Suffolk. John Mudge jun. of Lynn, shall be allowed to take the name of Parker Mudge; Charles Kimball of Boxford shall be allowed to take the name of Charles Harrison Kimball; George Smith, the seventh of that name of Salem, shall be allowed to take the name of George King Smith; Jonathan Sargent the fourth of Amesbury, shall be allowed to take the name of Jonathan Adams Sargent; Jonathan Morrill, jun. of said Amesbury shall be allowed to take the name of Jonathan Currier Morrill, all in the County of Essex; William Breck of Northampton in the County of Hampshire, shall be allowed to take the name of Joseph Hunt Breck; Chauncy Taylor, of Blanford in the County of Hampden, shall be allowed to take the name of Chauncy Taylor Knox. Rebecca Cutler of Sudbury in the County of Middlesex, shall be allowed to take the name of Rebecca Maynard; James Child, jun. of Augusta in the County of Kennebec, shall be allowed to take the name of James Loring Child; Barden Sylvester, Merchant, of Bath in the County of Lincoln, shall be allowed to take the name of Thomas Barden Sylvester; and the said several persons from the time of passing this act, shall be called and known by the names which by this act, they are severally allowed to take as aforesaid, and the same shall be considered as their only proper and legal names. [June 22, 1812.]

Chap. 27. An ACT to prevent the destruction of the Lobster Fishery in the town of Provincetown, in the county of Barnstable, and to preserve and regulate the same in the waters and shores of 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 from and after the first day of July next it shall not be lawful for any person living without the jurisdiction of this Commonwealth to take any lobsters within the waters and shores of the town of Provincetown for the purpose of carrying away from said waters in smacks and vessels owned without said Commonwealth, without first obtaining a permit in writing from the Selectmen of the said town of Provincetown, and every person offending against the provisions of this act, shall for every such offence forfeit and pay the sum of ten dollars, and in case the number of lobsters so unlawfully taken or found on board any such smack or other vessel shall exceed one hundred, such person shall in addition to such penalty forfeit and pay a further sum of ten dollars for each hundred lobsters so taken or found, and in that proportion for a larger or smaller number over the first hundred.

None but the inhabitants of this state may take fish,

without permission.

(Altered by 1821 ch. 102.)

Forfeit for offending.

Further forfeit.

SECT. 2. *Be it further enacted,* That the waters and shores of the town of Provincetown shall be considered and taken by this act to extend as follows, beginning at Race point (so called) one half mile from the shore, by said shore to the end of Long point which forms the harbour of Provincetown, and from the end of Long point, one half mile, and including the harbour within the town of Provincetown.

Boundaries described.

SECT. 3. *Be it further enacted,* That the selectmen of the said town of Provincetown may grant a permit, or otherwise license any person or persons living without the jurisdiction of said Commonwealth on their paying therefor the sum of one dollar to the use of said town of Provincetown, for every hundred lobsters which they may thus take and carry away, or upon such other terms and conditions as they shall think proper.

Selectmen may sell licenses.

(See 1821 ch. 102.)

SECT. 4. *Be it further enacted,* That the said town of Provincetown are hereby authorized to choose annually such number of fish wardens as they may judge necessary, who shall be sworn to the faithful discharge of their duty, whose duty it shall be to prosecute for all offences against this act, and all fines and forfeitures that shall be incurred by virtue of this act shall be the one half to him or them who shall sue for the same, and the other half to the use of the said town of Provincetown, and the same shall be recovered with legal costs of suit by an action in any court proper to try the same. [June 22, 1812.] Add act—1821 ch. 102.

Shall annually choose wardens.

Their duty.

Chap. 34. An ACT to incorporate the President, Directors and Company of the Boston 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 John T. Apthorp, Ebenezer Francis, William Pickman, William Pratt, Isaac P. Davis, William Sullivan, Daniel

Persons incorporated.

Sargent, William Brown, Harrison G. Otis, Thomas C. Amory, Epes Sargent and their associates, successors and assigns, shall be, and hereby are created a Corporation by the name of the President, Directors and Company of the Boston Bank, and shall so continue from the first Monday of October next, until the first Monday in October which will be in the year of Lord one thousand eight hundred and thirty one, and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and entitled to the same rights, privileges and immunities which are contained in an act entitled "An act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified, or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted. (1811 ch. 84.)

SECT. 2. *Be it further enacted,* That the capital stock of the said Corporation, shall consist of a sum, not more than twelve hundred thousand dollars, in gold and silver, to be besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the first day of October next, and the residue on the first day of July in the year one thousand eight hundred and thirteen, or as much sooner, and in such instalments as the Stockholders shall direct, and any Director of the Boston Bank, may be eligible as a director of the Bank hereby established, and the Stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said stock, and the profits thereof which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine, 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 fifty thousand dollars and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies 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 said Corporation from taking and holding real estate in mortgage or on execution, to any amount as security for, or in payment of any debts due to the said Corporation, and *provided further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and paid in, and existing in gold and silver in their vaults shall amount to three hundred and seventy five thousand dollars, nor until the said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said Corporation, to examine and count the monies actually existing in said

Capital Stock.
(Reduced by
1816 ch. 89.)

When to be paid.

May hold estate.

Proviso.

Proviso.

vaults, and to ascertain by the oath of the Directors of said Bank, or some of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

SECT. 3. *Be it further enacted*, That the said Bank shall be established and kept in the town of Boston aforesaid.

SECT. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding one hundred and twenty thousand dollars at any one time, reimbursable by five annual instalments, or at any shorter periods, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per cent *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 three hundred thousand dollars.

SECT. 5. *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 two Newspapers printed in Boston.) for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of 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.

SECT. 6. *Be it further enacted*, That in addition to the capital stock aforesaid of twelve hundred thousand dollars, the Commonwealth shall be interested in the said corporation to the amount of six hundred thousand dollars, which shall be paid by an assignment to said Bank of the stock now owned by the Commonwealth in the Boston Bank, to be made by his Excellency the Governor, with the advice of Council, which he is hereby authorized to make under his hand, and the seal of the Commonwealth, whenever he shall be certified that the Bank established by this act has commenced discounting.

SECT. 7. *Be it further enacted*, That the Treasurer of the Commonwealth for the time being, shall ex officio be a Director of said Bank, in addition to the directors by law to be chosen by the Stockholders, and the Legislature shall have a right from time to time to appoint a number of Directors of the said Bank, in proportion as the sums paid from the Treasury of the Commonwealth, shall bear to the whole amount of the stock actually paid into the said Bank, if at any time hereafter they shall judge fit to exercise that right.

SECT. 8. *Be it further enacted*, That the Bank hereby established, shall be authorized to receive from the Boston Bank transfers of any bonds, mortgages, or other securities, such bonds and mortgages, to be considered as part of the sum required by this act to be loaned on securities of that description.

SECT. 9. *Be it further enacted*, That whenever the Legislature shall order and direct, the said President, Directors and

Shall loan to the Commonwealth.

Proviso.

May call meetings.

May make by-laws.

Commonwealth to hold stock.

Treasurer of state to be Director.

(Repealed 1817 ch. 75.)

Company, shall after nine months notice, be held and obliged to purchase of the Commonwealth, its capital stock owned in said Bank, or any part thereof at par. *Provided*, That not more than one half of said capital stock shall be thus purchased at one time; and the Treasurer is hereby authorized from time to time, to transfer to the said President, Directors and Company, such sums of said capital stock, as shall by them be purchased as aforesaid, upon payment of the purchase money into the Treasury. [June 23, 1812.] See 1816 ch. 89: 1817 ch. 6. Proviso.

An ACT to incorporate the President, Directors and Company of the Worcester Bank. Chap. 36.

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 Waldo, Benjamin Haywood, Oliver Fisk, Nathaniel Paine, Isaiah Thomas, Samuel Flagg, and Levi Lincoln, jun. their associates successors and assigns, shall be, and hereby are created a Corporation by the name of The President Directors and Company of the Worcester Bank and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, 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 place whatever, and also to make, have, and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of said corporation and the prudent management of their affairs. *Provided*, such by-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. Persons incorporated.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October next, the second on the first day of January next after, the third on the first day of April next after, and the fourth on the first day of July next after; or at such earlier times as the stockholders at any meeting thereof may order. And the stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, 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 thirty thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by Proviso.
Capital stock.
May hold estate.

Proviso.

discounting on banking principles on such security as they shall think proper. *Provided however*, That nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation; *and provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to fifty thousand dollars.

1811 ch. 34.

Proviso.

Bond of the
Cashier.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established, *provided* only that any Director of the Worcester Bank now existing may be eligible as a director of the bank hereby established; that the bond required to be given by the Cashier, shall be given in the penalty of twenty thousand dollars, that the number of Directors to be annually chosen shall be seven, and four may constitute a quorum for the transaction of business. *And provided also*, That the amount of bills at any time issued from said bank shall not exceed fifty per cent beyond the capital stock actually paid in.

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

Legislature
shall have access
to vaults,
&c.

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

May hold
meeting.

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 said corporation as soon as may be, at such time and place as they may see fit (by advertising the same for three weeks successively in the National Aegis and Massachusetts Spy.) for the purpose of making, ordaining and establishing such by-laws ordinances and regulations for the orderly conducting the affairs of 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.

Shall exhibit
a statement of
accounts.

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 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 debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

SECT. 8. *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. Shall pay altered notes.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first Monday of October next, shall pay by way of tax to the Treasurer of this Commonwealth for the use of the same, within ten days after each semiannual dividend, the half of one per cent, on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth, *and provided further*, that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth whenever they may see fit so to do. Shall pay a tax to the Treasurer of State.
Proviso.

SECT. 10. *Be it further, enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said Bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures, and right of redemption as is by law prescribed in other cases. *Provided however*, That the said bank may take, receive and hold by assignment any such mortgages as are already held by the existing Bank in the town of Worcester, and which may be assigned and taken by agreement between the two corporations, the amount of which shall be deemed and considered as an original loan to be made as above directed. Amount to be appropriated to loans.
Amount of loans.
Security for loans.
Proviso.

SECT. 11. *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 *per centum* of the amount of the Capital Stock actually paid in at any one time reimbursable by five annual instalments or at any shorter period at the election of the Commonwealth with the annual payments of interest, at a rate not exceeding five *per centum per annum*. *Provided however*, That the Commonwealth shall never at any time, stand indebted to said corporation without their consent for a larger sum than twenty *per centum* of the capital stock actually paid in. Shall loan to the Commonwealth.
Proviso.

Commonwealth may hold stock.

SECT. 12. *Be it further enacted,* That the Commonwealth shall have a right whenever the Legislature shall make provision by law to subscribe on account of the Commonwealth a sum not exceeding one hundred thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the Legislature made and established as to the management thereof. [June 23, 1812.]

Chap. 38.

An ACT to incorporate the President, Directors and Company of the Union Bank.

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 Oliver Wendell, Samuel Brown, Stephen Codman, Thomas L. Winthrop, Henderson Inches, John Welles, Benjamin Joy, Benjamin Bussey, Samuel Cobb, Timothy Bigelow, John Davis, Josiah Quincy, and their associates, successors and assigns, shall be and are hereby created a Corporation, by the name of the President, Directors and Company of the Union Bank; and shall so continue from the first Monday of October next, until the first Monday of October, which shall be in the year of our Lord one thousand eight hundred and thirty-one, and the said corporation shall always be subject to the rules, reservations, restrictions, limitations, taxes and provisions, and entitled to the same rights, privileges and immunities which are contained in an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted.

How long to continue.

1811 ch. 34.

Capital stock.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of a sum not more than eight hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth shall subscribe in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of October next, and the residue on the first day of July, in the year of our Lord one thousand eight hundred and thirteen, or as much sooner, and in such instalments as the Stockholders shall direct, and any Director of the Union Bank may be eligible as a Director of the Bank hereby established; and the Stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said stock and profits thereof, which being entered in the books of said corporation shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine, and the 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 one hundred thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they

When to be paid in.

May hold estate.

shall think advisable. *Provided however,* That nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate in mortgage or on an execution, to any amount as security for, or in payment of any debts due to said corporation. *And provided further,* That no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and paid in, and existing in gold and silver in their vaults, shall amount to two hundred and forty thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine and count the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or some of them, that said capital hath been, *bona fide*, paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

Proviso.

Proviso.

Commissioners appointed.

Their duty.

SECT. 3. *Be it further enacted,* That the said bank shall be established and kept in the town of Boston.

SECT. 4. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding eighty thousand dollars at any one time, reimbursable by 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 two hundred thousand dollars.

Shall loan to the Commonwealth.

Proviso.

SECT. 5. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the 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 two newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting the affairs of 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.

May call meetings.

May make by-laws.

SECT. 6. *Be it further enacted,* That in addition to the capital stock aforesaid of eight hundred thousand dollars the Commonwealth shall be interested in said corporation to the amount of four hundred thousand dollars, which shall be paid by an assignment to said bank of the stock now owned by the Commonwealth in the Union Bank, to be made by his Excellency the Governor, with advice of the Council, which he is hereby authorized to make, under his hand and the seal of the Commonwealth whenever he shall be certified that the bank established by this act has commenced discounting.

Commonwealth may be concerned.

Secretary of state shall be a director. Legislature may appoint directors. (Repealed 1817 ch. 75.)

SECT. 7. *Be it further enacted,* That the Secretary of the Commonwealth, for the time being, shall, ex officio, be a Director of said Bank, in addition to the Directors by Law to be chosen by the Stockholders; and the Legislature shall have a right, from time to time, to appoint a number of Directors of said Bank, in the proportion that the sums paid in from the Treasury of the Commonwealth shall bear the whole amount of the stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

SECT. 8. *Be it further enacted,* That the Bank hereby established, shall be authorized to receive from the Union Bank, transfers of any bonds, mortgages, or other securities; such bonds and mortgages to be considered as a part of the sum required by this Act to be loaned on securities of that description.

Shall purchase the stock owned by the Commonwealth. Proviso.

SECT. 9. *And be it further enacted,* That whenever the Legislature shall order and direct, the said President, Directors and Company, shall after nine months notice, be held and obliged to purchase of the Commonwealth, its capital stock owned in said Bank, or any part thereof at par. *Provided,* That not more than one half of said capital stock, shall be thus purchased at one time, and the Treasurer is hereby authorized from time to time to transfer to the said President, Directors and Company, such sums of said capital stock as shall by them be purchased as aforesaid, upon payment of the purchase money into the Treasury. [June 23, 1812.]

Chap. 39.

An ACT to incorporate the President, Directors and Company of the Phœnix Bank.

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 Daniel Coffin, Isaac Coffin, Silvanus Macy, Zenas Coffin, Obed Macy, James Barker, Paul Gardner, jun. George Gardner, 2d. their associates, successors, and assigns shall be, and hereby are created a corporation, by the name of The President, Directors and Company of the Phœnix Bank, and shall so continue from the first day of October next, for the term of nineteen years next ensuing, 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 to ordain, establish and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of the said corporation and the prudent management of their affairs. *Provided,* Such by-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.

Proviso.

Capital stock,

[Increased—
1817 ch. 158.]

when to be paid.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, one quarter part thereof shall be paid in on the first day of October next, and the residue on or before the first day of July in the year of our Lord one thousand eight hundred and thirteen; and the stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and dis-

posing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, 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 twelve thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies 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 in mortgage, or on execution, to any amount as security for, or in payment of any debts due to the said corporation, and *provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to twenty-five thousand dollars, no part of which shall be vested in real estate.

May hold estate.

Proviso.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided*, That the bond required to be given by the cashier, shall be given in the penalty of twenty thousand dollars, and that the number of Directors to be annually chosen shall be nine, and five may constitute a quorum for the transaction of business, and *provided also* that the amount of debts at any time due from said bank shall not exceed fifty per cent beyond the capital stock actually paid in.

(1811 ch. 84.)

Cashier shall give bonds.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Nantucket.

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

Legislature shall have access, &c.

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 said corporation as soon as may be, at such time and place as they may see fit (by advertising the same for three weeks successively in the town of Nantucket) for the purpose of making, ordaining and establishing such by-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

May call meetings.

the first board of directors, and such other officers as they shall see fit to choose.

Shall exhibit a statement.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the directors, and attested by the cashier, and shall be verified by oath, or affirmation, before some person competent to administer the same.

Altered notes.

SECT. 8. *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.

Shall pay tax to Commonwealth.

SECT. 9. *Be it further enacted,* That the said corporation from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax to the treasurer of this Commonwealth for the use of the same, within twenty days after each semi-annual dividend, the half of one per cent, on the amount of the original stock which shall at the time of said dividend have been actually paid in.

Proviso.

Provided however, That the same tax payable in manner aforesaid, shall be required by the Legislature, of all banks, that shall be hereafter incorporated within this Commonwealth. And *provided further,* That nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Shall loan to the Commonwealth.

SECT. 10. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten *per centum* of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty *per centum* of the capital stock actually paid in.

Proviso.

Commonwealth to hold stock.

SECT. 11. *Be it further enacted,* That the Commonwealth shall have a right whenever the Legislature shall make provision by law to subscribe on account of the Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the Legislature made and established as to the management thereof.

Amount to be appropriated to loans.

SECT. 12. *Be it further enacted,* That one tenth part of the whole funds of said bank, shall always be appropriated to loans, to be made to citizens of this Commonwealth, and where-

in the directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures, and right of redemption as is by law provided in other cases. [June 23, 1812.] See act—1817 ch. 158.

An ACT to incorporate the President, Directors and Company of the Salem Bank. *Chap. 40.*

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 Peabody, Nathaniel Silsbee, Ichabod Nichols, Moses Townshend, John Derby, Jonathan Neal, and Benjamin Peirce, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors and Company of the Salem Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, 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 place whatever, and also to make, have, and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of said corporation and the prudent management of their affairs. *Provided* such by-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. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October next, the second on the first day of January next after, the third on the first day of April next after, and the fourth on the first day of July next after; or at such earlier times as the said stockholders at any meeting thereof may order. And the stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, 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 thirty thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles on such security as they

Persons incorporated.

How long to continue.

Proviso.

Capital stock.
(Increased by
1822 ch. 69.)

May hold estate.

Proviso.

shall think proper. *Provided however*, That nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation; and *provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to fifty thousand dollars.

(1811 ch. 84.)

Proviso.

Bond of the
Cashier.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided*, That any Director of the Salem Bank now existing may be eligible as a Director of the bank hereby established; and that the bond required to be given by the cashier, shall be given in the penalty of twenty thousand dollars, and that the number of Directors to be annually chosen shall be seven, and four may constitute a quorum for the transaction of business. And *provided also*, That the amount of bills at any time issued from said bank, shall not exceed fifty per cent beyond their capital stock actually paid in.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Salem in the county of Essex.

Legislature
shall have ac-
cess to vaults,
&c.

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

May hold
meeting.

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 said corporation as soon as may be, at such time and place as they may see fit, by advertising the same for three weeks successively in the Salem Gazette and in the Essex Register, for the purpose of making, ordaining and establishing such by-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.

Shall exhibit a
statement of
accounts.

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, 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 debts due to the same, of the monies

deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation, before some person competent to administer the same.

SECT. 8. *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. Shall pay altered notes.

SECT. 9. *Be it further enacted,* That the said corporation from and after the first Monday of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however,* That the same tax payable in manner aforesaid, shall be required by the Legislature of all Banks that shall be hereafter incorporated within this Commonwealth, and *provided further,* that nothing herein shall be construed to impair the right of the Legislature to lay a tax upon any Bank already incorporated under the authority of this Commonwealth whenever they may see fit so to do. Shall pay tax to the Commonwealth.
Proviso.

SECT. 10. *Be it further enacted,* That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower with collateral security by a mortgage of real estate, to the satisfaction of the directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures and rights of redemption as is by law prescribed in other cases. *Provided however,* That the said bank may take, receive and hold by assignment, any such mortgages as are already held by the existing Salem Bank, and which may be assigned and taken by agreement between the two corporations, the amount of which shall be deemed and considered as an original loan to be made as above directed. Funds how appropriated.
Proviso.

SECT. 11. *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 *per centum* of the amount of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth with the annual payments 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 twenty *per centum* of the capital stock actually paid in. Shall loan to the Commonwealth.
Proviso.

SECT. 12. *Be it further enacted,* That the Commonwealth

Common-wealth may hold stock.

shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding one hundred thousand dollars to be added to the capital stock of said company subject to such rules, regulations and provisions, as shall be by the Legislature made and established, as to the management thereof. [June 23, 1812.] Add. act—1822 ch. 69.

Chap. 41.

An ACT to incorporate the President, Directors and Company of the Beverly Bank.

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 Moses Brown, William Burley, Nicholas Thorndike, Joshua Fisher, Abraham Kilham, Nathan Dane, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors and Company of the Beverly Bank, and shall so continue until the first day of October which will be in the year of our Lord one thousand eight hundred and thirty-one, 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 in any other place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances and regulations as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs. *Provided* such by-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.

May make by-laws.

Proviso.

Capital stock,

(Reduced by 1814 ch. 94.)

when to be paid.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of one hundred and sixty thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October next, the second on the first day of January next after, the third on the first day of April next after, and the fourth on the first day of July next after; or at such earlier times as the stockholders at any meeting thereof may order, and the stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, 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 thirty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies 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 hold-

Proviso.

ing real estate in mortgage, or on execution to any amount as security for or in payment of any debts due to the said corporation. And *provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to forty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established, *provided only*, that any director of the Beverly Bank now existing may be eligible as a director of the bank hereby established, but the bond required to be given by the cashier shall be in the penalty of twelve thousand dollars, that the number of directors to be annually chosen shall be seven, and four may constitute a quorum for transaction of business. And *provided also*, that the amount of bills at any time issued by said bank shall not exceed fifty per cent. beyond their capital stock actually paid in. (1811 ch. 84.)

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Beverly. Where to be established.

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 said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon be determined, by the Legislature that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation may thereupon be declared forfeited and void. Legislature shall have access, &c.

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 said corporation as soon as may be, at such time and place, as they may see fit (by advertising the same for three weeks successively in the Essex Register and Salem Gazette) for the purpose of making, ordaining and establishing such by-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. May call meetings.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the directors, and Shall exhibit a statement.

attested by the cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

Altered notes.

SECT. 8. *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.

Shall pay tax to Commonwealth.

SECT. 9. *Be it further enacted,* That the said corporation from and after the first Monday of October next, shall pay by way of tax to the treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in, *provided however,* that the same tax payable in manner aforesaid, shall be required by the Legislature of all banks that shall be hereafter incorporated within this Commonwealth, and *provided further,* that nothing herein shall be construed to impair the rights of the Legislature to lay a tax on any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Proviso.

Funds how appropriated.

SECT. 10. *Be it further enacted,* That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures and right of redemption, as is by law prescribed in other cases. *Provided however,* That the said bank may take, receive and hold by assignment any such mortgages as are already held by the existing bank in the town of Beverly, and which may be assigned and taken by agreement between the two corporations, the amount of which shall be deemed and considered as original loan to be made as above directed.

Proviso.

Shall loan to the Commonwealth.

SECT. 11. *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 *per centum* of the amount of the capital stock actually paid in at any one time, reimbursable by five annual instalments or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in.

Proviso.

(Altered by 1814 ch. 94.)

SECT. 12. *Be it further enacted,* That the Commonwealth shall have a right whenever the Legislature shall make provision by law to subscribe on account of the Commonwealth a sum not exceeding eighty thousand dollars to be added to the

capital stock of said company, subject to such rules, regulations and provisions as shall be by the Legislature made and established as to the management thereof. [June 23, 1812.]
Add act—1814. ch. 94.

An ACT to incorporate the President, Directors and Company of the Marblehead Bank. Chap. 42.

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 Hooper, Henry Gallison, Philip Besome, John Hooper, 4th. John Williams, John Pedrick, 3d. and William Fettyplace, their associates, successors, and assigns, shall be, and hereby are created a corporation by the name of The President, Directors and Company of the Marblehead Bank, and shall so continue from the first day of October next for the term of nineteen years next ensuing, 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 to ordain, establish and put in execution such by-laws, ordinances, and regulations as to them may appear necessary and convenient for the government of the said corporation and the prudent management of their affairs; *provided* such by-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.

Persons incorporated.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of one hundred and twenty thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October, the second on the first day of January, the third on the first day of April next; and the fourth on the first day of July, which will be in the year of our Lord eighteen hundred and thirteen, or at such earlier times as the said stockholders at any meeting thereof may order. And the stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns; 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, and to loan and negotiate their monies 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 in mortgage or on execution to any amount as security for, or in payment of any debts

Capital stock,
Altered 1813
ch. 121.
when to be
paid.

Proviso.

due to the said corporation, and *provided further* that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to thirty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an act entitled "An act to incorporate the President Directors and Company of the State Bank" shall be binding on the bank hereby established. *Provided only*, that any Director of the Marblehead bank now existing may be eligible as a Director of the bank hereby established, that the bond required to be given by the Cashier, shall be in the penalty of twelve thousand dollars, that the number of Directors to be annually chosen shall be seven, and four may constitute a quorum for the transacting business. And *provided also*, that the amount of bills at any time issued from said bank shall not exceed fifty per cent. beyond their capital stock actually paid in.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Marblehead.

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 said corporation and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon be determined by the Legislature that 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 may thereupon be declared forfeited and void.

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 said corporation as soon as may be at such time and place as they may see fit (by advertising the same for three weeks successively in the Essex Register and Salem Gazette,) for the purpose of making, ordaining and establishing such by-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.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand, which statement shall be signed by the directors and attested by the Cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

(1811 ch. 84.)

Legislature shall have access, &c.

May call meetings.

Shall exhibit a statement.

SECT. 8. *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 fraudulently altered in the course of its circulation to a larger amount notwithstanding such alteration. Altered notes.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first Monday of October next, shall pay by way of tax to the Treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, the half of one per cent, on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid, shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth. And *provided further* that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do. Shall pay a tax to the Treasurer of State.
Proviso.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures, and rights of redemption as is by law provided in other cases. Amount to be appropriated to loans.
Amount of loans.
Security for loans.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required not exceeding ten per centum of the amount of the capital Stock actually paid in, at any one time, reimbursable by five annual instalments or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in. Shall loan to the Commonwealth.
Proviso.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right whenever the Legislature shall make provision by law to subscribe on account of the Commonwealth, a sum not exceeding sixty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations, and provisions, as shall be by the Legislature made and established, as to the management thereof. Commonwealth may hold stock.

SECT. 13. *Be it further enacted*, That the said bank may take, receive, and hold by assignment, any such mortgages as are already held by the existing bank, in the town of Marblehead, and which may be assigned, and taken by agreement (1813 ch. 121.)

between the two corporations, the amount of which shall be deemed and considered as an original loan to be made as above directed. [June 23, 1812.] Add act—1813 ch. 121.

Chap. 43. An ACT to incorporate the President, Directors and Company of the Gloucester Bank.

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 John Somes, Benjamin K. Hough, William Pearce, James Hayes, William Pearson, Fitzwilliam Sargent, Israel Trask and William Coffin, their associates, successors, and assigns, shall be, and hereby are created a Corporation by the name of The President, Directors and Company of the Gloucester Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty one, 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 to ordain, establish, and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of the said corporation, and the prudent management of their affairs.

Proviso.

Provided such by-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.

Capital Stock.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of one hundred and twenty thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October next, the second on the first day of January next after, the third on the first day of April next after, and the fourth on the first day of July next after; or at such earlier time as the said Stockholders at any meeting thereof may order. And the Stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the Stockholders, their successors and assigns; 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 twenty thousand dollars, and no more at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies 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 in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation,

When to be
paid in.

May hold es-
tate.

Proviso.

and *provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to thirty thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an act entitled, “An act to incorporate the President, Directors and Company of the State Bank” shall be binding on the bank hereby established. *Provided only*, that any Director of the Gloucester Bank now existing may be eligible as a Director of the bank hereby established, and that the bond required to be given by the Cashier, shall be given in the penalty of twelve thousand dollars, and that the number of Directors to be annually chosen shall be seven, and four may constitute a quorum for the transaction of business. And *provided also*, that the amount of bills at any time issued by said bank shall not exceed fifty per cent beyond the capital stock actually paid in.

(1811 ch. 84.)

Proviso.

Cashier shall give bonds.

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

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

Legislature shall have access to vaults, &c.

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 said corporation as soon as may be, at such time and place as they may see fit, by advertising the same for three weeks successively in the Salem Gazette, and Essex Register, for the purpose of making, ordaining and establishing such by-laws, ordinances, and regulations for the orderly conducting the affairs of 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.

May call meetings.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

Shall exhibit a statement of accounts.

Altered notes.

SECT. 8. *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.

Shall pay a tax to the Treasurer of State.

Proviso.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first Monday of October next, shall pay by way of tax to the Treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth, and *provided further*, that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth whenever they may see fit so to do.

Amount to be appropriated to loans.

Amount of loans.

Security for loans.

Proviso.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said Bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures, and right of redemption as is by law prescribed in other cases. *Provided however*, that the said bank may take, receive and hold by assignment any such mortgages as are already held by the bank now existing in the town of Gloucester, and which may be assigned and taken by agreement between the two corporations, the amount of which shall be deemed and considered as an original loan to be made as above directed.

Shall loan to the Commonwealth.

Proviso.

SECT. 11. *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 per centum of the amount of the capital stock actually paid in at any one time reimbursable, by five annual instalments or at any shorter period at the election of the Commonwealth with the annual payments 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 twenty per centum of the capital stock actually paid in.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right whenever the legislature shall make provision by law to subscribe on account of the Commonwealth a sum not exceeding forty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the legislature made and established as to the management thereof. [June 23, 1812.]

An ACT to incorporate the President, Directors and Company of the Bedford Bank.

Chap. 44.

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 Hazard, jun. John Howland, Samuel Rodman, Isaac Howland, jun. William Rotch, jun. John Delano, and their associates, successors and assigns, shall be and hereby are created a corporation, by the name of the President, Directors and Company of the Bedford Bank; and shall so continue from the first day of October next, for the term of nineteen years next ensuing, 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 to ordain, establish and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of the said corporation and the prudent management of their affairs. *Provided* such by-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.

Persons incorporated.

May make by-laws.
Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, one quarter part of the two hundred thousand dollars shall be paid in, on or before the first day of October in the year of our Lord eighteen hundred and twelve, and the other three quarter parts of the said capital stock shall be paid in on or before the first day of July in the year one thousand eight hundred and thirteen. And the stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, 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 twelve thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles on such security as they shall think proper. *Provided however,* that nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation; and *provided further,* that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to fifty thousand dollars.

Capital stock,

when to be paid.

Proviso.

SECT. 3. *Be it further enacted,* That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an Act, entitled "An Act to incor-

(1811 ch. 84.)

porate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided only* that any director of the Bedford bank now existing may be eligible as a director of the bank hereby established; and that the bond required to be given by the cashier, shall be in the penalty of twenty thousand dollars, and that the number of directors to be annually chosen shall be seven, and four may constitute a quorum for the transaction of business. And *provided also*, that the amount of bills at any time issued from said bank, shall not exceed fifty per cent. beyond the capital stock actually paid in.

Where to be established.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of New-Bedford.

Legislature shall have access to vaults, &c.

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 said corporation and shall have free access to all their books and vaults, and if upon such examination it shall be found, and after a full hearing of said corporation thereon be determined by the legislature that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation may thereupon be declared forfeited and void.

May hold meeting.

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 said corporation as soon as may be, at such time and place as they may see fit, by advertising the same for three weeks successively in the town of New-Bedford, for the purpose of making, ordaining and establishing such by-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.

Shall exhibit a statement of accounts.

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, 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 debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand, which statement shall be signed by the directors, and attested by the cashier, and shall be verified by oath or affirmation, before some person competent to administer the same.

Shall pay altered notes.

SECT. 8. *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.

Shall pay tax to the Commonwealth.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax to the treasurer of this Commonwealth for the use of the

same, within ten days after each semi-annual dividend, the half of one per cent, on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, that the same tax payable in manner aforesaid, shall be required by the legislature, of all banks, that shall be hereafter incorporated within this Commonwealth. And *provided further*, that nothing herein shall be construed to impair the rights of the legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Proviso.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower with collateral security by a mortgage of real estate, to the satisfaction of the directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption, as is by law prescribed in other cases.

Funds how appropriated.

SECT. 11. *Be it further enacted*, That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the amount of capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in.

Proviso.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding seventy-five thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the legislature made and established as to the management thereof. [June 23, 1812.]

Commonwealth may be concerned.

An ACT to incorporate the President, Directors and Company of the Nantucket Pacific Bank, on the island of Nantucket.

Chap. 45.

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 Gardner, Tristram Hussey, John Swain, Hezekiah B. Gardner, Richard Mitchel, Obed Mitchel, James J. Coffin, Francis Joy, Jethro Mitchel, jun. Benjamin Coffin, 2d. Peter Hussey, Christopher Mitchel and Edward Cary, jun. and their associates, successors and assigns, shall be, and hereby are created a corporation by the name of the President, Directors and Company of the Nantucket Pacific Bank, on the island of Nantucket, and shall so continue from the first Monday of October next, for the term of nineteen years next ensuing, and by that name shall be, and hereby are made capa-

Persons incorporated.

How long to continue.

ble in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, or any other place whatever, and also to make, have and use a common seal, and the same at pleasure to break, alter and renew, and to ordain, establish and put in execution such by-laws, ordinances and regulations as to them appear to be necessary and convenient for the government of the said corporation, and the prudent management of their affairs. *Provided*, such by-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.

May make by-laws.

Proviso.

Capital stock, (increased by 1817 ch. 65.) when to be paid. (Altered by 1817 ch. 65.)

Transferring stock, &c.

Proviso.

May hold estate.

Proviso.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of one hundred thousand dollars, divided into shares of one hundred dollars each, to be paid in gold and silver, one quarter on or before the first Monday of October next, and the remainder on the first Monday of July, which will be in the year eighteen hundred and thirteen, or as much sooner as the stockholders shall determine; and the stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of the stock and 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 or she shall have paid in his or her full proportion of the said one hundred 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 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 advisable. *Provided however*, that nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate in mortgages or on execution to any amount as security for, or in payment of any debts due to the said corporation. *Provided further*, that no money shall be loaned nor discounts made, nor shall any bills or promissory notes be issued from said bank until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to twenty-five thousand dollars.

(1811 ch. 84.)

Cashier shall give bonds.

SECT. 3. *Be it further enacted*, That the rules, limitations, provisions, restrictions and reservations which are provided in and by the third section of an act entitled "An act to incorporate the President, Directors, and Company of the State Bank," shall be binding on the bank hereby established. *Provided*, that the bond required to be given by the cashier shall be given in the penalty of twenty thousand dollars; that the number of directors to be annually chosen shall be nine and five may constitute a quorum for the transaction of business, and *provided also*, that the amount of debts at any time due

from said bank shall not exceed fifty per cent. beyond the capital stock actually paid in.

SECT. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of Nantucket. Where to be established.

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

SECT. 6. *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, once in six months at least, and as much oftener and as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of the debts due the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the directors, and attested by the cashier, and verified by oath or affirmation, before some person competent to administer the same. Shall exhibit a statement.

SECT. 7. *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, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. Shall pay their altered notes.

SECT. 8. *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. Commonwealth to hold Stock.

SECT. 9. *Be it further enacted*, That Gideon Gardner, Jethro Mitchel, and Benjamin Coffin, 2d. herein before named, are authorized to call a meeting of the members and Stockholders of said corporation at such time and place as they shall see fit, (by advertising the same in different parts of the town of Nantucket, three weeks successively,) for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for conducting the affairs of 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 deem fit to choose. May call Meetings.

SECT. 10. *Be it further enacted*, That the said corporation, from and after the first Monday of October next, shall pay by way of tax to the treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, Shall pay a tax to the treasurer of state.

Proviso.

the half of one per cent, on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid shall be required by the Legislature of all the banks, that shall be hereafter incorporated within this Commonwealth: And *provided further*, that nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated under the authority of this Commonwealth whenever they may think proper so to do.

Shall loan to the Commonwealth.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable at five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital actually paid in.

Proviso.

Amount to be appropriated to loans.

SECT. 12. *Be it further enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures, and rights of redemption as is by law provided in other cases. [June 23, 1812.] See 1817 ch. 65.

Chap. 46.

AN ACT to incorporate the President, Directors and Company of the Mechanics Bank in Newburyport.

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 John O. Brian, James Prince, William Russell, Joshua Little, William Davis, Abraham Williams, John Brick-et, James Horton and Gilman Frothingham, their associates, successors, and assigns shall be, and hereby are created a Corporation by the name of The President, Directors and Company of the Mechanic's Bank, and shall so continue from the first day of October next, for the term of nineteen years next ensuing, 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 to ordain, establish and put in execution such by-laws, ordinances and regulations as to them may ap-

May make by-laws.

pear necessary and convenient, for the government of the said corporation and the prudent management of their affairs. *Provided* such by-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.

Proviso,

SECT. 2. *And be it further enacted*, That the capital stock of the said corporation shall consist of a sum not less than two hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first, on the first day of October next, the second on the first day of January, the third on the first day of April next, and the fourth on the first day of July, which will be in the year of our Lord one thousand eight hundred and thirteen; and the Stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the Stockholders, their successors and assigns, 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 fifty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies 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 in mortgage, or on execution, to any amount as security for, or in payment of any debts due to the said corporation, and *provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Capital, stock,

when to be paid.

(Altered by 1813 ch. 26.)

May hold estate.

Proviso.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an act entitled, "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided*, that the bond required to be given by the Cashier shall be given in the penalty of twenty thousand dollars, that the number of Directors to be annually chosen shall be nine, and five may constitute a quorum for the transaction of business. And *provided also* that the amount of debts at any time due from said bank shall not exceed fifty per cent. beyond the capital stock actually paid in.

(1811 ch. 84.)

Cashier shall give bonds.

(Altered by 1816 ch. 91.)

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Newburyport.

Where to be established.

SECT. 5. *Be it further enacted*, That any committee specially appointed by the Legislature for the purpose, shall have a

Legislature shall have access, &c.

right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon be determined by the Legislature that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions, and conditions in this act *provided*, their incorporation may thereupon be declared forfeited and void.

May call meetings.

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 said corporation as soon as may be, at such time and place as they may see fit, by advertising the same for three weeks successively in two Newspapers printed in the County of Essex, for the purpose of making, ordaining and establishing such by-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.

Shall exhibit a statement.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the directors, and attested by the cashier, and shall be verified by oath, or affirmation, before some person competent to administer the same.

Shall pay altered bills.

SECT. 8. *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.

Shall pay a tax to the Treasurer of State.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first Monday of October in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax to the Treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, that the same tax payable in manner aforesaid, shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth. And *provided further* that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Proviso.

Amount to be appropriated to loans.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures, and rights of redemption as is by law provided in other cases.

Amount of loans.

Security for loans.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required not exceeding ten per centum of the amount of the capital Stock actually paid in, at any one time, reimbursable by five annual instalments or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in.

Shall loan to the Commonwealth.

Proviso.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars to be added to the capital stock of said company subject to such rules, regulations and provisions, as shall be by the Legislature made and established, as to the management thereof. [June 23, 1812.] Further acts—1813 ch. 26 : 1816 ch. 97.

Commonwealth may hold stock.

An Act to incorporate the President, Directors and Company of the Taunton Bank.

Chap. 49.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Simeon Tisdale, Samuel Fales, Joseph Tisdale, Samuel Crocker, Job Godfrey, Jun. Eliphalet Williams, Marcus Morton, John West, James L. Hodges, Nicholas Tillinghast, John Presbry and Jonathan Ingell, their associates, successors and assigns, shall be, and hereby are created a Corporation by the name of The President, Directors and Company of the Taunton Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, 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 to ordain, establish, and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of said corporation, and the prudent management of their affairs. *Provided*, such by-laws, ordinances, and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth ;

Persons incorporated.

May make by-laws.

Proviso.

and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Capital stock.

When to be paid.

May hold estate.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October next, the second on the first day of April next after, the third on the first day of October next after, the fourth on the first day of April next after ; or at such earlier time as the stockholders at any meeting thereof may order. And the stockholders at their first meeting by a majority of votes, may determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine ; 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, and to loan and negotiate their monies 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 said corporation from taking and holding real estate in mortgage, or on execution to any amount as security for, or in payment of any debts due to said corporation ; *provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to twenty-five thousand dollars.

(1811 ch. 34.)

Proviso.

Cashier shall give bonds.

SECT. 3. *Be it further enacted*, That the rules, limitations, and provisions, which are provided in and by the third section of an Act, entitled, " An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided*, that the bond required to be given by the Cashier, shall be given in the penalty of twenty thousand dollars, that the number of Directors to be annually chosen shall be nine, and five may constitute a quorum for the transaction of business. *And provided also*, That the amount of debts at any time due from said bank shall not exceed fifty per cent. beyond their capital stock actually paid in.

Shall loan to the Commonwealth.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Taunton.

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 which may be required, not exceeding ten thousand dollars, at any one time reimbursable by five annual instalments or at any shorter period at the election of the Commonwealth with the annual payments of interest, at a rate not exceeding five per cent. per annum.

Provided however, That the Commonwealth shall never at one time, stand indebted to the said corporation without their consent for a larger sum than twenty thousand dollars. Proviso.

SECT. 6. *Be it further enacted,* That any Committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon be determined by the Legislature that 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, the incorporation shall thereupon be declared forfeited and void. Legislature shall have access to vaults, &c.

SECT. 7. *Be it further enacted,* That the persons herein before named, or a majority 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 three weeks successively in the New-Bedford Mercury, and the New-Bedford Gazette, printed in New-Bedford, for the purpose of making, ordaining and establishing such by-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. May hold meeting.

SECT. 8. *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 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 debts due the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath before some person competent to administer the same. Shall exhibit a statement of accounts.

SECT. 9. *Be it further enacted,* That the Commonwealth shall have a right whenever the Legislature shall make provision by law to subscribe on account of the Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the Legislature made and established as to the management thereof. Commonwealth to hold stock.

SECT. 10. *Be it further enacted,* That the said corporation shall be liable to pay to any *bona fide* holder the original amount on any note of said bank altered, in the course of its circulation to a larger amount, notwithstanding such alteration. Shall pay altered notes.

SECT. 11. *Be it further enacted,* That the said corporation from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax to the Treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, Shall pay a tax to the Treasurer of State.

the half of one per cent. on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth, from and after the said first Monday of October; *and provided further*, that nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated under the authority of this Commonwealth whenever they may think proper so to do.

Proviso,
Amount to be appropriated to loans.

Amount of loans.

Security for loans.

SECT. 12. *Be it further, enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said Bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures, and right of redemption as is by law provided in other cases. [June 23, 1812.]

Chap. 50.

An ACT to incorporate the President, Directors and Company of the Newburyport Bank.

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 Bartlett, Joshua Carter, Thomas M. Clark, Abner Wood, Ebenezer Wheelwright, their associates, successors and assigns, shall be and hereby are created a Corporation, by the name of the President, Directors and Company of the Newburyport Bank; and shall so continue from the first day of October next, to the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, 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 to ordain establish and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient, for the government of the said corporation and the prudent management of their affairs. *Provided*, such by-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, and provisions herein prescribed.

May make by-laws.

Capital stock.

(Altered by 1814 ch. 60.)

When to be paid in.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of three hundred and fifty thousand dollars, in gold and silver, divided into shares of one hundred dollars each, to be paid in at four equal instalments, the first on the first day of October next, the second on the first Monday of January, the third on the first

Monday of April, and the fourth on the first day of July which will be in the year of our Lord eighteen hundred and thirteen, or at such earlier times as the said Stockholders at any meeting thereof may order. And the Stockholders at their first meeting shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the Stockholders, their successors and assigns, 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 fifty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies 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 in mortgage or on an execution, to any amount as security for, or in payment of any debts due to the said corporation; *and provided further,* That no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to ninety thousand dollars.

May hold estate.

Proviso.

SECT. 3. *Be it further enacted,* That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided,* That any Director of the Newburyport bank now existing may be eligible as a Director of the bank hereby established; that the bond required to be given by the Cashier, shall be given in the penalty of ten thousand dollars, and that the number of Directors to be annually chosen shall be seven, and four may constitute a quorum for the transaction of business. *And provided also,* That the amount of bills at any time issued from said bank, shall not exceed fifty per cent. beyond the capital stock actually paid in.

(1811 ch. 84.)

Proviso.

Cashier shall give bonds.

SECT. 4. *Be it further enacted,* That the said Bank shall be established and kept in the town of Newburyport, in the county of Essex.

Where to be established.

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

Legislature shall have access to vaults, &c.

SECT. 6. *Be it further enacted,* That the persons herein before named, or any three of them are authorized to call a meet-

May call meetings.

ing 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 for three weeks successively in all the newspapers printed at Newburyport for the time being, for the purpose of making, ordaining and establishing such by-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.

Shall exhibit a statement of accounts.

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, 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 debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation, before some person competent to administer the same.

Shall pay altered notes.

SECT. 8. *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.

Shall pay tax to Commonwealth.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first Monday of October next, shall pay by way of tax to the treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid, shall be required by the Legislature, of all banks that shall be hereafter incorporated within this Commonwealth. And *provided further*, That nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Proviso.

Funds how appropriated.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower with collateral security by a mortgage of real estate, to the satisfaction of the directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption, as is by law provided in other cases. *Provided however*, That the said bank may take, receive and hold by assignment any such mortgages as are already held by the bank now existing in the town of Newburyport, and which may be assigned and

taken by agreement between the two corporations, the amount of which shall be considered as an original loan to be made as above directed.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in.

Shall loan to the Commonwealth.

Proviso.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions as shall be by the Legislature made and established as to the management thereof. [June 23, 1812.] Add. act—1814 ch. 59.

Commonwealth may be concerned.

An Act to incorporate the President, Directors and Company of the Plymouth Bank. Chap. 53.

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 Davis, Barnabas Hedge, jun. William Jackson, Robert Roberts, Nathaniel Goodwin, William Sturtevant, Silvanus Lazell, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors and Company of the Plymouth Bank, and shall so continue until the first day of October which will be in the year of our Lord one thousand eight hundred and thirty-one, 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 in any other place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances and regulations as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs. *Provided* such by-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.

Persons incorporated.

May make by-laws.

Proviso.

SECT. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at four equal instalments, the first on the first day of October next, the second on

Capital stock,

when to be paid.

the first day of January next, the third on the first day of April next, and the fourth on the first day of July next after, and as much sooner as the stockholders shall direct. And the stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns; 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, and to loan and negotiate their monies 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 in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation, and *provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults shall amount to twenty-five thousand dollars.

May hold estate.

Proviso.

(1811 ch. 84.)

Cashier shall give bonds.

SECT. 3. *Be it further enacted*, That the rules, reservations, restrictions, limitations, and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established. *Provided only*, That any Director of the Plymouth Bank now existing may be eligible as a Director of the bank hereby established, that the bond required to be given by the cashier, shall be in the penalty of ten thousand dollars, that the number of Directors to be annually chosen shall be seven, and four may constitute a quorum for transaction of business. And *provided also*, That the amount of bills at any one time issued by said bank, shall not exceed fifty per cent. beyond their capital stock actually paid in.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Plymouth.

Legislature shall have access, &c.

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

May call meetings.

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 said corporation as soon as may be, at such time and place as they may see fit

(by advertising the same for three weeks successively in the Columbian Centinel) for the purpose of making, ordaining and establishing such by-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 for such other officers as they shall see fit to choose.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of debts due the same, of the monies deposited therein, of the notes in circulation, and of the gold, and silver and copper, the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation before some person competent to administer the same.

Shall exhibit a statement.

SECT. 8. *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.

Shall pay altered notes.

SECT. 9. *Be it further enacted*, That the said corporation from and after the first Monday of October next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall at the time of said dividend have been actually paid in. *Provided however*, That the same tax payable in manner aforesaid, shall be required by the Legislature of all Banks that shall be hereafter incorporated within this Commonwealth, and *provided further*, that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any Bank already incorporated under the authority of this Commonwealth whenever they may see fit so to do.

Shall pay a tax to the Treasurer of State.

Proviso.

SECT. 10. *Be it further enacted*, That one tenth part of the 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate, to the satisfaction of the directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and rights of redemption as is by law prescribed in other cases. *Provided however*, That the said bank may take, receive and hold by assignment, any such mortgages as are already held by the existing bank in the town of Plymouth, and which may be assigned and taken by agreement between the two corporations, the

Amount to be appropriated to loans.

Security of loans.

Proviso.

amount of which shall be deemed and considered as an original loan to be made as above directed.

Shall loan to
the Common-
wealth.

SECT. 11. *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 per centum of the amount of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payments 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 twenty per centum of the capital stock actually paid in.

Common-
wealth may
hold stock.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding thirty thousand dollars to be added to the capital stock of said company subject to such rules, regulations and provisions, as shall be by the Legislature made and established, as to the management thereof. [June 23, 1812.]

Chap. 58.

An ACT to empower the Selectmen of the Towns of Weymouth and Braintree to appoint Enginemmen.

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 the towns of Weymouth and Braintree be, and hereby are, respectively authorized and empowered to nominate and appoint, as soon as may be, after the passing of this Act, and ever after, in the month of March annually, so long as there shall be a good engine at or near the brook running on the borders of the towns of Weymouth and Braintree, commonly called Smelt Brook, any number of suitable persons, not exceeding twenty-one in both towns, a majority of whom shall always be of the inhabitants of Weymouth, to be one company of enginemmen, to take charge of and manage said engine, who shall be subject to the same duties, and vested with the same powers, and entitled to the same rights, privileges and exemptions that other enginemmen now by law are. [June 26, 1812.]

Chap. 60.

An ACT to incorporate Stephen Newell and others, by the name of The Sturbridge Manufacturing Company.

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 Stephen Newell, John Plimpton, Eleazer Rider, Zenas L. Leonard, Moses Fisk, Jephtha Plimpton, Comfort Freeman, Nathaniel Rider, Ziba Plimpton, Franklin Rider, and Moses Newell, 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 Sturbridge Manufacturing Company, for the purpose of manufacturing Wool and Cotton in the town of Sturbridge, in the county of Worcester; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties

and requirements prescribed and contained in an act passed the third day of March, eighteen hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said Corporation, in their corporate capacity, may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of Wool and Cotton, in their various branches, in said town of Sturbridge. [Oct. 20, 1812.]

Value of estate.

An ACT to incorporate Joseph Holmes, Jun. and others, by the name of The Jones' River Manufacturing Company. Chap. 61.

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 Holmes, Jun. Isaac Bartlett, George Russell, Melzar Adams, Judah Washburn, Jesse Reed, Richard F. Johnson, Robert M'Lauthlin, Jun. Pelham Holmes, Lemuel Bryant, Ezra Weston and Son, Abishai Stetson, Joseph White, and Charles Holmes, together with 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 Jones' River Manufacturing Company, for the purpose of manufacturing Cotton and Wool at Kingston, in the county of Plymouth, 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act, defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

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 one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of Cotton and Wool at Kingston aforesaid. [Oct. 20, 1812.]

Value of estate.

An ACT incorporating certain persons by the name of The Hingham Woollen Manufactory. Chap. 62.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Martin Lincoln, Samuel Norton, both of Hingham, in the county of Plymouth, Thomas Thaxter of Boston, in the county of Suffolk, Joshua Thaxter, Benjamin Jones, David Andrews, Jun. Samuel Norton, Jun. Jerome Cushing, and Caleb Andrews, all of Hingham aforesaid, with such as have already associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Hingham Woollen Manufactory, for the purpose of manufacturing Woollen Cloths; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act

Persons incorporated.

(1808 ch. 65.) made and passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act, defining the general powers and duties of Manufacturing Corporations."

Value of estate. **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 the said manufactory, and also of as large a personal estate as shall be actually employed therein: *provided* such real estate shall not exceed the value of twenty thousand dollars, and the personal estate one hundred thousand dollars. [Oct. 23, 1812.]

Chap. 63.

An ACT to establish The Magnesia Company.

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 David Thacher, William Dunn, Lothrop R. Thacher, and Benjamin Gorham, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they are hereby made and constituted a body corporate and politic, by the name of The Magnesia Company, for the purpose of manufacturing Magnesia in this Commonwealth; and for that purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act, entitled "An Act, defining the general powers and duties of Manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

(1808 ch. 65.) **SECT. 2.** *Be it further enacted,* That the said Corporation shall and may lawfully hold and possess such real estate, not exceeding thirty thousand dollars, and personal estate not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the aforesaid manufactory. [Oct. 23, 1812.]

Chap. 64.

An ACT to change the Names of certain persons therein mentioned.

Names changed. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Stoddard of Salem, in the county of Essex, trader, shall be allowed to take the name of William Couillard Stoddard; and that Moses Smith Fox of Williamsburgh, in the county of Hampshire, yeoman, shall be allowed to take the name of Augustine Washington Fox; and the said persons, from the time of the passing this act, shall be called and known by the names which by this act are severally allowed to take as aforesaid, and the same shall be considered as their only proper and legal names. [Oct. 24, 1812.]

Chap. 68.
1811 ch. 174.

An ACT amendatory of an act, entitled, "An Act to incorporate The Christian Monitor Society."

Preamble. WHEREAS the name given to the Corporation created by the act entitled, "An act to incorporate The Christian Monitor Society," is not the name intended by the persons hereby incorporated, and they having in their corporate capacity, petitioned that the said name be altered: therefore,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Name altered.
 so much of the said act as gives the corporation, thereby created, The name of the Christian Monitor Society be, and the same is hereby repealed; and that the said corporation be henceforth known by the name of The Society for Promoting Christian Knowledge, Piety and Charity. [Oct. 24, 1812.]

An ACT to incorporate The American Antiquarian Society.

Chap. 69.

WHEREAS the collection and preservation of the antiquities of our country, and of curious and valuable productions in art and nature, have a tendency to enlarge the sphere of human knowledge, aid the progress of science, perpetuate the history of moral and political events, and to improve and interest posterity: 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* Persons incorporated.
 Isaiah Thomas, Levi Lincoln, Harrison G. Otis, Timothy Bigelow, Nathaniel Paine, and Edward Bangs, Esqrs. John T. Kirkland, D. D. Aaron Bancroft, D. D. Jonathan H. Lyman, Elijah H. Mills, Elisha Hammond, Timothy Williams, William D. Peck, John Lowell, Edmund Dwight, Eleazer James, Josiah Quincy, William S. Shaw, Francis Blake, Levi Lincoln, Jun. Samuel M. Burnside, and Benjamin Russell, Esqrs. Rev. Thaddeus M. Harris, Redford Webster, Thomas Walcutt, Ebenezer T. Andrews, Isaiah Thomas, jun. William Wells, and such others as may associate with them for the purposes aforesaid, be, and hereby are formed into, and constituted a society and body politic and corporate, by the name of The American Antiquarian Society, and that they and their successors, and such other persons as shall be legally elected by them, shall be, and continue a body politic and corporate, by that name forever.

SECT. 2. *Be it further enacted, That* Members may elect officers,
 the members of said Society shall have power to elect a President, Vice Presidents, and such other officers as they may determine to be necessary, and that the said Society shall have one common seal, and the same may break, change and renew, at pleasure, and that the same Society, by the name aforesaid, as a body politic and corporate, may sue and be sued, prosecute and defend suits to final judgment and execution.

SECT. 3. *Be it further enacted, That* May make by-laws.
 the said Society shall have power to make orders and by-laws for governing its members and property, not repugnant to the laws of this Commonwealth, and may expel, disfranchise or suspend any member, who by misconduct shall be rendered unworthy.

SECT. 4. *Be it further enacted, That* May hold estate.
 the said Society may, from time to time, establish rules for electing officers and members, and also times and places for holding meetings, and shall be capable to take and hold real or personal estate, by gift, grant, devise or otherwise, and the same or any part thereof, to alien and convey, provided that the annual income of any real estate, by said Society holden, shall never exceed

the sum of fifteen hundred dollars, and that the personal estate thereof, exclusive of books, papers and articles in the museum of said Society, shall never exceed the value of seven thousand dollars.

May call meeting.

SECT. 5. *Be it further enacted*, That said Society may elect honorary members, residing in and without the limits of this Commonwealth, and that Isaiah Thomas, Esq. be, and hereby is authorized and empowered to notify and warn the first meeting of said Society, and that the said Society, when met, shall agree upon a method for calling future meetings, and have power to adjourn from time to time, as may be found necessary.

Museum, where kept.

SECT. 6. *Be it further enacted*, That the library and museum of said Society shall be kept in the town of Worcester, in the county of Worcester. [Oct. 24, 1812.]

Chap. 72.

An ACT to incorporate The Waltham Cotton and Wool Factory Company.

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 Samuel Coverly, John Holland, and Enoch Wiswall, together with such others as may hereafter associate with them, their successors or assigns, be, and are hereby made a Corporation, by the name of The Waltham Cotton and Wool Factory Company, for the purpose of manufacturing cotton and woollen goods, in the town of Waltham, in the county of Middlesex; 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 third day of March, in the year of our Lord, eighteen hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing Corporations."

(1808 ch. 65.)

May hold real estate.

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate not exceeding the value of one hundred and fifty thousand dollars, and possessed of such personal estate, not exceeding the value of three hundred thousand dollars, as may be necessary and convenient for the carrying on the manufacture of cotton and woollen goods in said town of Waltham. [Oct. 24, 1812.]

Chap. 73.

An ACT to prevent damage being done by cattle, horses, and sheep, on the South beach and meadow, in the Town of Edgarton, in the county of Duke's county.

Neat cattle and horses, penalty for going at large.

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 any person or persons, shall turn out, or suffer to go at large, any of his or their neat cattle or horses, on any part of the south beach or meadow, in the town of Edgarton, in the county of Duke's county, he or they shall forfeit and pay one dollar for each horse, and fifty cents for each neat beast, thus turned out or suffered to go at large on said beach, or meadow; to be recovered, with costs of suits, by any one of the proprietors of said beach or meadow, who shall sue for the same, in any court proper to try such cause, to the use of said proprietors.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, if any person or persons shall turn out or suffer to go at large, any of his or their sheep, on any part of said beach or meadow, between the first day of April and the first day of December, he or they shall forfeit and pay ten cents for each sheep, thus turned out or suffered to go at large, on said beach or meadow, to be recovered in manner, and to the use aforesaid. [Oct. 24, 1812.]

Sheep, penalty for going at large.

An ACT in further addition to an Act, entitled, "An Act to incorporate the persons herein named into a Company by the name of The Broad-street Association, in the Town of Boston."

Chap. 74.
1804 ch. 50.
(V. 3. p. 485.)
1811 ch. 87.

BE 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 to incorporate the persons herein named into a Company by the name of The Broad-street Association, in the town of Boston," shall be, and the same is hereby continued in force, until the first day of March, in the year of our Lord one thousand eight hundred and fourteen, for the purpose of enabling said corporation to sell their estate and close their concerns. [Feb. 5, 1813.]

Act continued.

An ACT to incorporate the Framingham Manufacturing Company.

Chap. 75.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Calvin Sanger, Aaron Leland, Joseph Sanger, Leonard Dearth, Benjamin Wheeler, Luther Belknap, Hopstill Leland, jun. Comfort Walker, Moses Adams, Lewis Wheeler, Micah Adams, Joseph Lovell Richardson, Phillips Clark, and Elias Whiting, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Framingham Manufacturing Company, for the purpose of manufacturing wool and cotton, in the town of Framingham, in the county of Middlesex; and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said Corporation, in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding in value, thirty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on said manufactures in their various branches as aforesaid. [Feb. 6, 1813.]

Value of estate.

An ACT to alter the Name of Joshua Gee Wittemore, jun.

Chap. 76.

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, Joshua Gee Wittemore, jun. of Gloucester, in the county of Essex, mariner, shall be allowed to take the name of Harvey C. Mackay, and he shall in future be called and known by the said name; and the said

Name altered.

name shall forever hereafter be considered as his only proper and legal name, to all intents and purposes. [Feb. 13, 1813.]

Chap. 77.

An ACT to establish the Falls Cotton Manufacturing Company.

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 William Blackington, John Cheever, Asa Read, Lemuel May, Edward Richards, jun. Artemas Stanley, and Woodward Stanley, together with such others as have associated, or may hereafter join and associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of the Falls Cotton Manufacturing Company, for the purpose of manufacturing cotton and wool, in the town of Attleborough, in the county of Bristol; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, one thousand eight hundred and nine.

(1808 ch. 65.)

May hold es-
tate.

SECT. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and personal estate, not exceeding the value of one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacture of cotton and wool, in the said town of Attleborough. [Feb. 13, 1813.]

Chap. 80.

An ACT to incorporate The Amesbury Wool and Cotton Manufacturing Company.

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 Paul Moody, Ezra Worthen, Thomas Boardman, and Samuel Wigglesworth, and their associates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a Corporation by the name of The Amesbury Wool and Cotton Manufacturing Company, for the purpose of manufacturing wool and cotton in the town of Amesbury; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, one thousand eight hundred and nine.

(1809 ch. 65.)

Value of es-
tate.

SECT. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed 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 the carrying on the manufacture of wool and cotton in said town of Amesbury. [Feb. 16, 1813.]

Chap. 81.

An ACT to set off Thomas Miles and his estate from the town of Fitchburg.

Thomas Miles.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Miles of Fitchburg, in the county of Worcester, with his estate, within the bounds herein described, viz. beginning

at the southwesterly corner of said Miles' farm, at a stake and stones on Westminster line, thence south eighty degrees east, one hundred and thirteen rods to a stake and stones, thence north eight degrees east, one hundred and thirty-three rods to a bunch of maples marked on the river bank, thence up the river one hundred eighteen rods to a stake and stones at the edge of the meadow, near said river, by said Westminster line, be set from the said town of Fitchburg, and annexed to the town of Westminster, there to do duty and receive privileges. *Provided however*, That the said Thomas Miles be holden to pay all taxes legally assessed upon him by the said town of Fitchburg, before the passing of this act. [Feb. 16, 1813.]

Proviso.

An Act in further addition to, and amendment of an Act, entitled, "An Act in addition to an Act, passed 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 Merimac river, and in the other streams running into the same, within this Commonwealth."

Chap. 84.
1789 ch. 51.
(V. 1. p. 272.)

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act aforesaid to which this is in addition, passed the twenty-seventh day of March, seventeen hundred and ninety-three, which prohibits the taking of any fish, "within fifty rods below, or twenty rods above the mouth of any river or stream in the town of Andover, emptying into Merimac river," be so amended, as that any person or persons may hereafter, with the consent of the proprietors of the soil, or having otherwise the right of fishing thereon, draw any seine for catching shad and salmon in Merimac river, at any place between fifty and twenty-five rods below the mouth of Shausheen river, and between twenty and ten rods above the mouth of Cocheeco brook, in the town of Andover, any thing in the act aforesaid, to the contrary notwithstanding. [Feb. 15, 1813.]

Merimac fisheries.

1792 ch. 78.
(V. 1. p. 442.)

An Act to incorporate The Duxbury Manufacturing Company.

Chap. 93.

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 Weston, Ezra Weston, jun. Samuel A. Frazier, Reuben Drew, Abner Harlow, George Loring, Eleazer Harlow, Ahira Wadsworth, Jacob Weston, Benjamin Billings, and Daniel Atherton, together with 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 Duxbury Manufacturing Company, for the purpose of manufacturing wool and cotton, at Duxbury, in the county of Plymouth; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

(1808 ch. 67.)

SECT. 2. Be it further enacted, That said Corporation may be lawfully seized of such real estate, not exceeding the value

Value of estate.

of fifty thousand, dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cotton and wool, at Duxbury aforesaid. [Feb. 23, 1813.]

Chap. 91.
1803 ch. 146.
(V. 3. p. 410.)
1808 ch. 54.

An ACT in further addition to an Act, entitled, "An Act establishing The Hartford and Dedham Turnpike Corporation."

Toll altered.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That The Hartford and Dedham Turnpike Corporation be, and hereby are authorized, instead of the toll to which they are now entitled, for every chaise, chair, or other carriage, drawn by one horse, to demand and receive for the same, twelve and a half cents, at the gate where they are now entitled to receive ten cents; and six cents and one fourth of a cent, at the two other gates, where they are now entitled to receive five cents. [Feb. 23, 1813.]

Chap. 92.

An ACT to incorporate The Boston Manufacturing Company.

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 Francis C. Lowell, Benjamin Gorham, Uriah Cotting, and Patrick T. Jackson, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of The Boston Manufacturing Company, for the purpose of manufacturing cotton, woollen, and linen goods, at Boston, in the county of Suffolk, or within fifteen miles thereof, or at any other place or places, not exceeding four; 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 third day of March, eighteen hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations.*

(1808 ch. 65.)

(Enlarged
1819 ch. 121.)

SECT. 2. *Be it further enacted, That the capital stock of said corporation shall not exceed four hundred thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings and improvements that may be made thereon, by the said corporation.* [Feb. 23, 1813.]

May hold real estate.

Chap. 96.

An ACT to empower the Selectmen of the towns of Newton and Needham to appoint engine men.

May annually elect engine men.

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 the towns of Newton and Needham be, and they hereby are respectively authorized and empowered to nominate and appoint, as soon as may be, after the passing of this act, and ever after, in the month of March annually, so long as there shall be a good engine, at or near the lower falls, so called, on Charles River, any number of suitable persons, not exceeding twenty-one in the whole, thirteen of whom shall always be of the inhabitants of Newton, to be one company of engine men, to take charge of, and manage said*

engine; who shall be subject to the same duties, and vested with the same powers, and entitled to the same rights, privileges and exemptions, that all other engine men, by law, now are, or hereafter may be.

SECT. 2. *Be it further enacted*, That all rules and regulations respecting their duty as engine men shall, before they be established, be approved of by the selectmen of said towns; and all penalties annexed to the same, may be recovered by the clerk of said engine men, before any Justice of the Peace, in the county where the person who may forfeit the same shall reside. Penalties how recovered.

SECT. 3. *Be it further enacted*, That the act which passed the eighteenth day of June, in the year of our Lord eighteen hundred and twelve, entitled, "An Act to empower the selectmen of the towns of Newton and Needham to appoint engine men," be, and hereby is repealed. [*Feb. 23, 1813.*] (1812 ch. 3.)
Act repealed.

An ACT to incorporate The Third Congregational Parish in Abington.

Chap. 101.

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 H. Arnold, Noah Beal, Zadock Beal, David Beal, Melzar Beal, Nathan Beal, Nathaniel Beal, Isaac Burrill, Caleb Chard, jun. Eleazer Chubbuck, Thomas Chubbuck, Joshua Curtis, James Tilloon, Abner Gardner, Caleb Gardner, Noah Gardner, Melvin Gurney, David Hearsy, Elijah Hobart, Daniel Holbrook, Josiah Holbrook, Reuben Holbrook, William Holbrook, William Holbrook, jun. Reuben Hunt, David Hunt, Elias Hunt, Silas Hunt, Thomas Hunt, Moses Jones, Eleazer Josselyn, Andrew Lane, Caleb Lane, Charles Lane, Isaiah Lane, Daniel Lane, jun. John Lane, Silas Lane, Caleb Loud, Noah Lovell, Alexander M'Donald, Zebulon Payn, Stephen Payn, David Pool, Micah Pool, John Pool, Noah Pratt, Cyrus Pratt, David Pratt, Goddard Reed, Samuel Reed, Thomas Reed, jun. John Ripley, William Ripley, jun. Abraham Shaw, Abraham Shaw, jun. Brackley Shaw, 2d. Elijah Shaw, Jared Shaw, Melvin Shaw, Nehemiah Smith, James Smith, Zenas Smith, Zenas Smith, 2d. John Stetson, Oliver Stetson, Nathan Stoddard, Nathan Studley, Elihu Tirrell, William Torrey, Daniel Townsend, Alexander Vining, Benjamin Vining, Ebed Vining, Elisha Vining, Barzillai Whiting, Eleazer Whiting, and Thomas Whiting, together with their families and estates, within the town of Abington, be, and they are hereby incorporated, as a distinct Religious Society, by the name of The Third Congregational Parish in Abington, with all the powers and privileges, and shall be also subject to all the duties and requirements of other parishes or religious societies, according to the constitution and laws of this Commonwealth: *Provided* Proviso. *however*, That the persons before named shall be holden to pay all taxes previously assessed in the parish from which he or she may separate, and also to pay their proportionate part of the stated salary of the Rev. Samuel Niles, which is ninety-three pounds six shillings and eight pence, equal to three hundred and eleven dollars and eleven cents annually, so long as

Persons incorporated.

the said Rev. Samuel Niles continues to be the minister of the first parish, in the said town, and the said salary shall continue to be assessed, as has been heretofore practised in the First Parish.

May become members,

SECT. 2. *Be it further enacted*, That any person belonging to the town of Abington, who may hereafter be desirous of becoming a member of the said Third Congregational Parish in Abington, shall declare such intention in writing, to the clerk of the said town, and also deliver a copy of the same to the minister or clerk of the said Third Parish, and also to the clerk of the parish or society, from which such person may secede; and if such person doth receive, and can produce a certificate, signed by the clerk of the said Third Parish, that he or she has actually united with, and become a member of the said Third Parish, at any time previous to the first day of March, A.D. 1815, such person shall, from and after the date of such certificate of admission, with his or her polls and estates, be considered a member of the said Third Parish: *Provided however*, That all such persons shall be holden to pay all taxes previously assessed in the parish or society, from which such person may secede.

Proviso,

Manner of leaving the Society,

SECT. 3. *Be it further enacted*, That any member of the said Third Parish in Abington, who shall see cause to leave the same, and to unite with any other parish or society in the said town, at any time previous to the first day of March, 1815, such person shall declare such intention in writing, to the clerk of the said Third Parish, and deliver a copy of the same to the town clerk, and also to the clerk of the parish or society with which such person desires to unite, and if such person doth receive, and can produce a certificate of admission, signed by the clerk of such other society, such person shall, from the date of such certificate of admission, with his or her polls and estate, be considered a member of such other parish or society: *Provided however*, That in all cases of secession from one parish, and joining another, every such person shall be holden to pay his or her proportion or assessment of all parish taxes assessed therein prior to leaving the same.

Proviso,

SECT. 4. *Be it further enacted*, That all young persons, within the limits of the town of Abington, when they become twenty-one years of age, shall have full liberty, within twelve months thereafter, to unite with their polls and estate, to the said Third Parish; and also all persons who may settle within the limits of the said town, shall have the same liberty to join the said Third Parish: *Provided always*, That all such persons shall notify their intentions in writing, and the same process shall be had and done, as is provided for in this Act.

Proviso.

Justice authorized to issue warrant.

SECT. 5. *Be it further enacted*, That any justice of the peace, for the county of Plymouth, is hereby authorized to issue a warrant directed to one of the members of the said Third Congregational Parish, requiring him to notify and warn the inhabitants and members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to choose such officers, as parishes have a right by law to choose and

appoint, at their annual parish meetings, and to do and regulate such other matters and things, as the well being of the said parish may require. [Feb. 24, 1813.]

AN ACT to repeal part of an Act, entitled, "An Act to regulate town meetings in the town of Banvers."

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 an Act passed the fourteenth day of July, A.D. seventeen hundred and seventy-two, entitled, "An Act to regulate town meetings in the town of Danvers," as provides for the choice of selectmen and assessors alternately, in the north and south parishes in the town of Danvers, be, and the same is hereby repealed.

SECT. 2. *Be it further enacted,* That hereafter annually, two of the selectmen, and two of the assessors, shall be chosen from the qualified inhabitants and voters in the North Parish; and two of the selectmen, and two of the assessors, from the inhabitants and qualified voters in the South Parish; and one selectman, and one assessor, from the inhabitants and qualified voters in that part of the South Parish, called the Neck of Land, or the New Mills District. [Feb. 26, 1813.]

AN ACT to regulate the taking of Fish in Connecticut 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 any salmon or shad, or draw any seine for the purpose of catching any salmon or shad in that part of Connecticut River which passes through this Commonwealth, from the twenty-fifth day of June to the first day of December annually; and if any person or persons shall catch any salmon or shad in said river, or shall drag any seine or net for the purpose of catching any of the said fish in said river, within this Commonwealth, between the said twenty-fifth day of June, and the said first day of December annually, each and every person so offending shall forfeit and pay for each offence, a fine of ten dollars.

SECT. 2. *Be it further enacted,* That if any person or persons, at any time, in the river aforesaid, within this Commonwealth, shall fish with a seine or net exceeding forty-five rods in length, or extend more than one seine or net on the same fishing ground, at one and the same time, he or they shall, for each offence, forfeit and pay a fine of twenty dollars.

SECT. 3. *Be it further enacted,* That all the fines and forfeitures incurred by a breach of this Act shall be recovered in an action of debt, before any court of competent jurisdiction, in the county where the offence is committed, and all such fines and forfeitures, so recovered, shall enure to the benefit of him or them who shall prosecute for the same.

SECT. 4. *Be it further enacted,* That no action founded on this Act shall be sustained, unless the same be commenced within one year from the time in which the offence complained of may be committed.

Chap. 102.
July 1772.
(V. 3. p. 17.
appendix.)

Act repealed.

Town officers
how chosen.

Chap. 103.

Penalty for
taking fish
contrary to
law.

Fines, how
recovered.

Seines, &c.
attached for
breach of act.

SECT. 5. *Be it further enacted*, That all seines, nets, boats, or other fishing implements, which shall be used in violation of any provisions of this Act, shall be liable to attachment, and held to respond such damages and costs as may be recovered in any action prosecuted under this Act. [*Feb. 26, 1813.*]

Chap. 106.
1805 ch. 76.
1808 ch. 91.

An ACT in further 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 said Falls 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 of this Act, the sluice ways at each and every dam made for the passage of fish on the Falls River, so called, in the county of Essex, shall at all times, from the fifteenth day of April to the first day of June annually, be such, that the perpendicular section of the water running in each of the said sluice ways shall be equal to one hundred and forty-four square inches, and the said sluice ways shall be made in such form, at such places, and with such convenient passages thereto, in and at the several dams aforesaid, as Dennison Wallis and Nathan Felton, Esquires of Danvers, in the county of Essex, shall direct. And the mill-holders are hereby obliged to make at their own expense the sluice ways and passages as above directed, if not already made, and keep the same in repair during the continuance of the Act to which this is in addition, and shall not be holden to make any other alterations at their expense during the continuance of the said Act; and the said mill-holders shall be liable to the same penalties, to be sued for and recovered, in the same manner for any breaches of the duties enjoined upon them by this Act, as are prescribed for the like offences in the Act to which this Act is in addition. [*Feb. 26, 1813.*]

Mill-holders
shall make
sluice ways.

Penalties.

Chap. 107.

An ACT to incorporate The Pawtucket Manufacturing 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 Eliphalet Slack, Oliver Starkweather, Ebenezer Tyler, Benjamin S. Walcutt and Elijah Ingraham, together with 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 Pawtucket Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, at Seekonk, in the county of Bristol, 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 third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incor-
porated.

(1808 ch. 65.)

May hold es-
tate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of three hundred thousand dollars, as may

be necessary and convenient for establishing and carrying on the manufactures aforesaid, in the town of Seekonk. [Feb. 26, 1813.]

An ACT to incorporate The Eagle Steel Company.

Chap. 109.

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 Dunbar and William Dunbar, with such others 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 Eagle Steel Company, for the purpose of manufacturing steel in the town of Canton, in the county of Norfolk; 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 third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

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 twenty-five thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on said manufactory of steel in said town of Canton. [Feb. 26, 1813.]

May hold estate.

An ACT in further addition to an Act for incorporating James Sullivan, Esq. and others, by the name and style of the Proprietors of The Middlesex Canal.

Chap. 113.

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 Middlesex Canal, be, and they hereby are authorized and empowered, in order to render Merimac river completely and conveniently navigable for boats from the said canal up Merimac river to the boundary of the State, to make and construct a lock and a dam at the rapids in Tyngsborough, known by the name of Wicasee Falls, at such place, or part of said rapids or falls, and on whichever side of the island situated thereat may be found most convenient: *Provided however,* That in the construction of the said dam to raise the water to float loaded boats into the said lock, sufficient openings, slopes or fish-ways, shall be left for the free passage of fish, and for the passage of rafts down said river, at such times as they do commonly descend the same; and if it should appear to any person or persons, that good and sufficient fish-ways shall not be made and kept open in the said dam as aforesaid, that on application made to the Court of Sessions in the county of Middlesex, setting forth the fact, the said court shall appoint five impartial men, a committee, to view the premises and take cognizance of the facts; and the report of said committee, accepted by the said court, shall be binding on the said proprietors, who shall thereupon be bound to alter their said dam conformably thereto; and if any alteration shall be deemed necessary by said committee and the said court, the costs shall be borne by the said proprietors, if otherwise, by the complainant.

1793 ch. 21.

(V. 1. p. 465.)

1794 ch. 67.

(V. 2. p. 26.)

1798 ch. 16.

(V. 2. p. 241.)

1799 ch. 35.

(V. 2. p. 342.)

1802 ch. 98.

(V. 3. p. 131.)

1808 ch. 2.

1809 ch. 19.

1811 ch. 53.

May build a lock and dam.

Proviso.

SECT. 2. *Be it further enacted,* That in carrying the grant hereby made into effect, the said proprietors shall be under the same liability for damages, and have the same privileges as heretofore granted.

SECT. 3. *Be it further enacted,* That in consideration of the expenditures necessary to construct the said lock, and other works for the purpose aforesaid, and to remunerate the said proprietors, a toll for the passage of said locks, be, and hereby is established of ten cents a ton, on each and every ton of merchandize that shall be conveyed up through the said lock in boats, but that empty boats shall have a right to pass freely through the same; also boats descending with wood or other loading, subject however to the regulations and by-laws, which the said proprietors may establish for the management thereof, according to existing laws, giving to them that authority over the Middlesex Canal, which powers are hereby extended to the said works and locks to be built at said Wicasee Falls. [Feb. 26, 1813.] Add. acts—1812 ch. 115: 1814 ch. 100.

Toll establish-
ed.

(Altered by
1814 ch. 100.)

Chap. 114.

An ACT to establish The Royalston Cotton and Wool Manufacturing 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 Benjamin Davis, Isaiah Fairbanks, Eliphalet Chase, Silas Hale, Francis Twichell, Daniel Fairbanks, Francis Fletcher, and Ebenezer Blanding, together with such others as have already, or may hereafter associate and join with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Royalston Cotton and Wool Manufacturing Company, for the purpose of manufacturing cotton and wool, in the town of Royalston; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons in-
corporated.

(1809 ch. 65.)

May hold es-
tate.

SECT. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess such real estate, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of fifty thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton and wool, in the said town of Royalston. [Feb. 26, 1813.]

Chap. 115.
1793 ch. 21.
(V. 1. p. 465.)
&c.

AN ACT in further 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 proprietors of The Middlesex Canal shall be allowed a further time of five years from the twenty-second day of June next, to render Concord river boatable and navigable, and for cutting other canals in the county of Middlesex, pursuant and according to the tenor of the acts heretofore passed on that subject. [Feb. 26, 1813.] Further act—1814 ch. 100.

Further time
allowed.

1802 ch. 98.
(V. 3. p. 131.)

An ACT in addition to an Act, entitled, "An Act to establish The Brookfield and Charlton Turnpike Corporation.

Chap. 118.
1807 ch. 131.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of three years, from and after the twelfth day of March next, be, and hereby is allowed to said corporation to build and complete their said road, any law to the contrary notwithstanding. [Feb. 27, 1813.]

Further time
allowed.

An ACT in addition to an Act, entitled, "An Act supplementary to the Act to incorporate the Proprietors of St. Peter's Church, in Salem, in the county of Essex."

Chap. 119.
1793 ch. 46.
(V. 1, p. 497.
1810 ch. 12.

*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, in all defaults of payment on any assessment, duly made on the Proprietors of said church, the pew or seat upon which such deficiency arises, shall revert to the corporation in ninety days after public notice is given, as provided for in the aforesaid supplementary act, any thing in said act of incorporation to the contrary notwithstanding: *Provided however,* That any proprietor whose pew or seat may be forfeited as aforesaid, may at any time within one year thereafter redeem the same by paying the deficiency for which the same may have been sold, with interest and all costs that shall have arisen thereon. [Feb. 27, 1813.]*

Proviso.

An ACT to establish The Plympton Cotton Factory Company.

Chap. 123.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zachariah Eddy, Ebenezer Deane, William Goodwin, Joshua Eddy, jun. Jonathan Parker, jun. Levi Bradford, jun. W. S. Eddy, Robert Blair, Martin Hayward, Josiah White, Daniel Parker, Isaac Wright, Isaac Bartlett, James Cushman, Ezra Weston, Ezra Weston, jun. Benjamin Billings, Nathaniel Eddy, Greenleaf Pratt, Josiah Cook, jun. Dan Wilmarth, Ephraim Edson, and Barzillai Crane, together with such others as may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Plympton Cotton Manufacturing Company, for the purpose of manufacturing cotton, wool and linen yarn and cloth, in Plympton, in the county of Plymouth; and shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.*

Persons in-
corporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted, That said corporation, in their corporate capacity, shall and may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on said manufacture in their various branches as aforesaid. [Feb. 27, 1813.]*

May hold es-
tate.

Chap. 125. An ACT to alter and change the Names of certain persons therein mentioned, and for other purposes.

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 White, of Boston, in the county of Suffolk, shall be allowed to take the name of Samuel Kellogg White; that Mary Leo Griffith, daughter of the widow Mary Griffith, of the same Boston, shall be allowed to take the name of Mary Elizabeth Newall Griffith; that Johnston Brown, of Boston aforesaid, jeweller, son of Robert Brown, late of Plymouth, in the county of Plymouth, deceased, shall be allowed to take the name of Robert Johnston Brown; that Abiah Williams, of said Boston, shall be allowed to take the name of Maria Williams; that Charles Parsons, of Boston aforesaid, merchant, shall be allowed to take the name of Charles Chauncy Parsons; and all acts heretofore lawfully done by the said Parsons, in the name of Charles Chauncy Parsons, are hereby ratified and confirmed; that Lucy Ann Innes Whitwell, an infant daughter of Benjamin Whitwell, Esq. of the same Boston, shall be allowed to take the name of Lucy Cushing Whitwell; that James Dickinson, of said Boston, comedian, shall be allowed to take the name of James Amos Dickson; that Ebenezer Baker, of Boston aforesaid, son of Ebenezer Baker, late of Dorchester, in the county of Norfolk, deceased, shall be allowed to take the name of Ebenezer Richard Baker; that William Wyer, of the same Boston, mariner, shall be allowed to take the name of William Fitzpatrick Wyer; that George Hall, of said Boston, son of Dr. George H. Hall, late of Brattleboro', Vermont, deceased, shall be allowed to take the name of George Ward Hall; that John Browne, of Salem, in the county of Essex, cordwainer, shall be allowed to take the name of John D. Browne; that John Smith, jun. of Newburyport, in said county of Essex, merchant, son of Leonard Smith, of the same Newburyport, shall be allowed to take the name of John Augustus Smith; that Salvador Sabate, of Cohasset, in the county of Norfolk, shall be allowed to take the name of Samuel Snow; that William Leonard, jun. of Plymouth in the county of Plymouth, son of Nathaniel Leonard, Esq. of Taunton, in the county of Bristol, shall be allowed to take the name of William B. Leonard; that Harry Sargent, of Leicester, in the county of Worcester, gentleman, shall be allowed to take the name of Henry Sargent; that Albert Lamberton, commonly called Albert Lewis, a minor and godson of Darius Lewis, of Egremont, in the county of Berkshire, shall be allowed to take the name of Albert Lewis; that Jesse Hunter, of Becket, in said county of Berkshire, yeoman, shall be allowed to take the name of John Larkin Hunter; that Pardon Shippey, otherwise called Pardon Trask, of Cheshire, in the county of Berkshire aforesaid, yeoman, shall be allowed to take the name of Pardon Lincoln; that Harvey Needham, of South Brimfield, in the county of Hampden, gentleman, shall be allowed to take the name of James Harvey Needham; that John Thompson, the fourth, of

Names altered.

Berwick, in the county of York, shall be allowed to take the name of John S. Tompson; that Abel Prescott, 2d. of Concord, in the county of Middlesex, son of the late Willoughby Prescott, of the same Concord, deceased, shall be allowed to take the name of Abel Heywood Prescott; and the several persons before named, from the time of the passing of this act, shall be called and known by the names, which by this act they are respectively allowed to take and assume as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [*Feb.* 27, 1813.]

An Act in addition to the several acts to prevent the destruction of alewives and other fish in Ipswich 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 from and after the passing of this act, the time for the passage way or ways to be kept open, for the fish to pass and repass through any mill dam or dams now erected, or to be hereafter erected on the stream running from Humphrey's pond, so called, into said Ipswich river, shall be from the tenth day of May to the tenth day of June annually, any thing in the before-mentioned acts to the contrary notwithstanding.

SECT. 2. *Be it further enacted,* That the agent appointed by the Danvers Cotton Factory Company shall always be one of the fish committee provided for in the acts to which this is in addition and amendment. [*Feb.* 27, 1813.] Further act—1814 ch. 22.

An Act to incorporate a Religious Society, by the name of The Eastern Methodist Society in Lynn.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Parker Mudge, Joseph Ingalls, James Clough, Samuel Mudge, Daniel Fuller, Jonathan Ingalls, Abner Ingalls, Robert Mansfield, Ephraim Brown, William Ashton, Robert Mansfield, jun. Edmund Lewis, jun. John Ireson, Ezra Mudge, George Hamlin, Benjamin N. Hallowell, Thomas Vickery, John Lewis, Nathaniel Ingalls, John Chase, John Lewis, jun. Ebenezer Tarbox, jun. James Lewis, Nathaniel Lewis, Samuel Ashton, Samuel Ashton, jun. Joseph Lewis, Benjamin Lewis, jun. Nathaniel Parrott, Hepzibah Parrott, James Parrott, jun. Hannah Parrott, Theophilus Burrell, Isaac Proctor, Nathan Mudge, jun. Samuel Ireson, Jacob Ingalls, John Ingalls, 4th. Jacob Jackson, Mark Graves, John Ingalls, jun. William Parrot, William Marshall, Eleazer Ingalls, Joseph Fuller, jun. Henry Segar, Joseph Richards, Joseph Richards, jun. Jacob Phillips, Theophilus Clark, Joseph Blaney, jun. Richard Hanford, Joseph Currier, Micajah Burrell, James Bickford, Theophilus Burrell, jun. Nathan Mudge, Zachariah Atwell, Peter G. Robbins, Edward Ingalls, William Phillips, John Gibbons, Rufus Parrott, Ebenezer Burrell, jun. James F. Lewis, John Richards, jun. Jacob Ingalls, jun. Peter Barry, John D. Atwell, Timothy Newhall, Enoch Mudge, jun. Benja-

Chap. 127.

1787 ch. 58.
(V. 1. p. 191.)
1792 ch. 33.
(V. 1. p. 451.)
1796 ch. 66.
(V. 2. p. 128.)
1804 ch. 90.
(V. 3. p. 524.)
1810 ch. 117.

Passage ways,
when kept
open.

Chap. 128.

Persons incor-
porated.

min Stone, Marshall Brown, Jonathan Chase, Daniel C. Watts, John Brown, John Mansfield, Joseph Ingalls, jun. Joseph Lewis, jun. Joseph Mudge, jun. Caleb Stone, Jesse L. Atwell, Abijah Ramsdale, jun. Richard Richards, John Richards, 3d. William Ingalls, Stephen Lewis, Robert Mc. Farlain, Ezra Brown, jun. Jonathan Tuttle, Blaney Lewis, Nathan Lewis, and Leonard Coburn, with such others as shall hereafter associate with them, together with their families and estates, be, and they hereby are incorporated into a religious society, by the name of The Eastern Methodist Society in Lynn, with all the powers, privileges and immunities, to which all other parishes within this Commonwealth are by law entitled: *Provided however*, That the persons set off as aforesaid, shall be holden to pay their proportion of all monies assessed in each of the other religious societies in said town, for parochial purposes, to which he or she formerly belonged.

Proviso.

May hold estate,

SECT. 2. *Be it further enacted*, That the said Corporation may hold the lot of land, whereon they have lately built a meeting house, together with said 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, beside the meeting house and land under it, shall not exceed two thousand dollars; and the said Corporation may sue and be sued by its corporate name, and may make and use a common seal, and break and alter it at pleasure; and may make any by-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 as is hereafter set forth) shall think best: *Provided*, the same are not contrary to the constitution and laws of this Commonwealth.

Proviso.

May assess pews,

SECT. 3. *Be it further enacted*, That the proprietors or owners of the pews in the meeting house, belonging to said Society, shall be solely authorized and empowered to vote in, and manage the concerns of said Corporation, and they, with their families and estates, and not the persons who occasionally hire pews or seats in said house, shall be liable to all assessments or taxes for the charges of the said parish; and in all cases two votes and no more may be given in the right of each pew, and the said Corporation are hereby authorized to raise by an assessment on the pews in said meeting house, such sum and sums of money for the maintenance of a minister or ministers, for repairing the meeting house, and for defraying the other expenses of public worship, with incidental charges, as the aforesaid voters shall agree on at a legal meeting to be called for that purpose.

Treasurer to sell shares,

SECT. 4. *Be it further enacted*, That if any proprietor of such pew or pews 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 the 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 the door of the 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 and charges, the Treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

SECT. 5. *Be it further enacted*, That when any member of the said Eastern Methodist Society shall see cause to leave the same, notice must be given by him or her to the Clerk of said Society, of such an intention; and in every case, such person shall be held to pay his or her proportion of all parochial expenses incurred previous to the leaving said Society. Manner of leaving the Society.

SECT. 6. *Be it further enacted*, That any Justice of the Peace in the county of Essex is hereby authorized, upon application of three of the said Society, to issue a warrant for calling the first meeting of said Society, to be directed to some member of said Society, to be served as in said warrant shall be directed; and said society may, at said meeting, agree upon a method of calling future meetings. [*Feb. 27, 1813.*] Justice to issue warrant.

An ACT to annex Jason Hartshorn and others to the Third Parish in Roxbury. Chap. 129.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jason Hartshorn, Joseph Heath, Josiah Foster, Jonathan Smith, Paul Gore, Isaac Davis, jun. James Watson, Elisha Seaverns, Aaron Kingsbury, Sears Hearsey, and Ebenezer Hearsey, with their families and estates, be, and they are hereby set off from the first, and annexed to the third parish in Roxbury: *Provided*, That each of the persons herein named shall be holden to pay his respective proportion of taxes assessed upon him, and due to the said first parish, prior to the date of this act. [*Feb. 27, 1813.*] Set off.

An ACT to preserve and regulate the Eel fishery in the Town of Chatham. Chap. 132.

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, it shall not be lawful for any person not an inhabitant of the town of Chatham, to take within the limits of said town, any eels, without a permit in writing from the major part of the selectmen of the said town, expressing the name of the person, and the quantity permitted to be taken; and every person so offending shall forfeit and pay for every dozen so taken, the sum of twenty-five cents; *Provided nevertheless*, That the major part of the selectmen for the time being shall have power to give permits in writing to any person to take eels in said town of Chatham, at such times and in such quantities as they shall deem reasonable, and express in their permit: *Provided also*, That every inhabitant of said town of Chatham without such permit, shall have a right to take eels within the limits of said town for the use of his family. Penalty. Proviso.

SECT. 2. *Be it further enacted*, That if any boat, cart, sled, horse or craft, shall be found within the limits of said town of Chatham, and not owned therein, with any eels taken within the limits of the said town, without a permit as aforesaid from the selectmen, it shall be lawful for any of the fish-wardens, or for any inhabitant or inhabitants of the town of Chatham to seize and detain the same, not exceeding twenty-four hours, in order that the same, if need be, may be attached or arrested by due process of law, in that time to answer the said fines and forfeitures, with cost of suit.

Fines and
forfeitures.

SECT. 3. *Be it further enacted*, That all fines and forfeitures which may be incurred thereby, shall enure one half to him or them who may sue for the same, and the other half to the said town of Chatham; and the same shall be recovered with legal costs of suit, in an action of debt, before any Justice of Peace for the county of Barnstable not interested therein. [Feb. 27, 1813.]

Chap. 136.

An ACT establishing The Taunton and Dighton Turnpike Corporation.

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 S. Baylies, Samuel Crocker, Hilliard Earl, James Sproat, Job W. Hall and John West, together with such persons 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 Taunton and Dighton Turnpike Corporation, for the purpose of laying out and making and keeping in good repair a turnpike road, beginning at or near Taunton Green, in the town of Taunton, in the county of Bristol, thence proceeding on the most favourable route to Warren, in the State of Rhode Island, so far as this Commonwealth extends; 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.

(1804 ch. 125.)

Rates of toll.

SECT. 2. *Be it further enacted*, That the Proprietors of the said turnpike shall be allowed to erect and keep two gates, and shall be entitled to demand and receive the following rates of toll at said gates, viz. for each coach, chariot, phaeton or other four wheel carriage, for pleasure or travelling, drawn by two horses, twenty-five cents, and if drawn by more than two horses, two cents for each additional horse; for each cart or waggon, drawn by two horses or oxen, ten cents, and if by more, one cent for each additional beast; for every sled or sleigh, drawn by two horses or oxen, eight cents, and one cent for each additional beast; for every cart, waggon, truck, sled or sleigh, drawn by one horse only, six cents; for every cur-ricule, fifteen cents; for every chaise, chair, sulkey or other carriage for pleasure, drawn by one horse, twelve and an half cents; for every man and horse, four 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 three cents by the dozen.

SECT. 3. *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 lands, 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. [*Feb. 27, 1813.*]

Committee to assess damages.

Proviso.

An ACT in addition to an Act, entitled, "An Act to incorporate The Proprietors of Fresh Pond Meadows, for the purpose of draining them."

Chap. 138.
1799 ch. 79.
(V. 2. p. 376.)

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 Fresh Pond Meadows may erect at the bridge on the county road between Cambridge and West Cambridge, and from time to time, keep a gate or machine for the purpose of facilitating the draining the Fresh Pond Meadows (so called) in the towns of Cambridge and West Cambridge; *Provided*, that the said gate or machine may be kept open by the selectmen of either of the towns of Cambridge or West Cambridge, from the first day of March to the fifteenth day of June, in each and every year, for the free passage of fish.

Shall keep a gate.

Proviso.

SECT. 2. *Be it further enacted*, That if it shall be found that the time aforesaid is not sufficient for the free passage of shad and alewives, that on the application of the selectmen of either of the towns of Cambridge or West Cambridge, the Court of Sessions, for the county of Middlesex, may direct that the said gate or machine shall be kept open for such further time as may be deemed necessary for the preservation of said fish.

SECT. 3. *Be it further enacted*, That if any person shall wilfully destroy, injure or impede the operation of the said gate or machine, the person so offending, shall forfeit and pay for each offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, to be recovered before any Court proper to try the same, one half to the use of the informer, and the other half to the use of the Proprietors of the Fresh Pond Meadows aforesaid. [*Feb. 27, 1813.*] Further act—1813 ch. 64.

Penalty in case of wilful injury.

An ACT to repeal and alter certain parts of the act therein mentioned.

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 the act, entitled, an act to repeal an act, entitled, "An act to invest the committee of the

Chap. 142.
1792 ch. 2.
(V. 1. p. 367.)

Act repealed.

second precinct in Rehoboth with corporate powers for certain purposes therein mentioned, and to incorporate a number of the inhabitants of said precinct, by the name of the Catholic Congregational Church and society, in the second precinct in the town of Rehoboth," as provides that the annual income of the fund appropriated for the support of the ministry in the second precinct in the town of Rehoboth, shall be limited to five hundred dollars, be, and the same is hereby repealed; and the annual income of the said fund shall be, and hereby is allowed to be augmented and extended to one thousand dollars, and the Trustees of the said Catholic Congregational Church and Society in the said second precinct shall be, and they are hereby further empowered to receive donations and subscriptions, both real and personal, to such an amount as that the annual income from the said fund shall produce the said sum of one thousand dollars, and the said income from rents, issues and profits, shall be applied and used, as in the aforesaid act is directed. [Feb. 27, 1813.]

Chap. 143.

An ACT to incorporate The Trustees of the Congregational Ministerial Fund in Concord.

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 John White, Francis Jarvis and John L. Tuttle, and such others as shall hereafter be duly appointed, be, and they hereby are incorporated and made a body politic and corporate, by the name of The Trustees of the Congregational Ministerial Fund in Concord.

May hold estate.

SECT. 2. *Be it further enacted,* That the said Corporation may have and use a common seal, and the same may break, alter and renew at pleasure, shall be capable of suing and being sued, in any actions real, personal or mixed, in any Court having jurisdiction thereof; shall or may take and hold in fee simple or otherwise, by purchase, gift, grant or devise, any estate, real, personal or mixed, and may sell and dispose thereof at pleasure, not using the same in trade or commerce; may make and execute any by-laws and rules for the government of the Corporation, which the Trustees may think expedient, not repugnant to the laws of this Commonwealth, and may appoint such officers, and invest them with such powers as they may think fit.

Income, how appropriated.

SECT. 3. *Be it further enacted,* That the end and design of the aforesaid Corporation, be to obtain and secure a fund, the income of which shall be appropriated by the said Trustees, for the support of a gospel minister of the Congregational denomination of christians in the town of Concord.

Vacancies, how supplied.

SECT. 4. *Be it further enacted,* That whenever any of the Trustees shall have died or resigned their office as such, the vacancy shall be supplied by the vote of the inhabitants of said town qualified to vote in town affairs, at any town meeting legally called for that purpose. [Feb. 27, 1813.]

An Act in addition to an Act, entitled, "An Act to incorporate The Proprietors of Cambridge Port Manufactory."

Chap. 147.
1808 ch. 96.

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 are or shall hereafter become Proprietors in the Corporation, styled "The Cambridge Port Manufactory," in the act to which this is in addition, be, and hereby are authorized to manufacture printing types, and those articles usually manufactured in chemical laboratories. [Feb. 27, 1813.]

An Act in further addition to an Act, entitled "An Act to incorporate Nicholas Thorndike and others, into a company by the name of the Beverly Marine Insurance Company."

Chap. 1.
1809 ch. 35,
1810 ch. 3,
1811 ch. 3.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That such further time, not exceeding four years, from and after the twenty-fourth day of August next, be allowed to the stockholders in the Beverly Marine Insurance Company, named in an Act, entitled "An Act to incorporate Nicholas Thorndike and others, into a company, by the name of the Beverly Marine Insurance Company," to pay in the residue, being the last moiety of the instalments, and amounting in all to fifty dollars on a share, in the capital stock of the said company, as the directors thereof may judge proper; and that the said residue shall be paid in at such times, and in such proportions as the said directors shall order and appoint, within the period aforesaid. Provided however, that nothing in this Act shall be construed to exonerate, or discharge the estates of the said stockholders from being liable, in the manner and for the purposes mentioned in the tenth section of the said original Act, in addition to which this Act is made. [June 8, 1813.] Further acts—1816 ch. 54: 1821 ch. 36.

Further time
allowed to pay
instalments.

(Further time
1816 ch. 54,
1821 ch. 36.)

Provido.

An Act to incorporate the Trustees of the Ministerial Fund, in the town of Berkley.

Chap. 3.

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 Toby, Levi French, Luther Crane, George Sanford, jun. Samuel French, John Dillingham, Barzillai Hathaway, Christopher Paull, Barzillai Crane, and Dean Burt be, and they hereby are constituted and made a body politic and corporate, by the name of the Trustees of the Ministerial Fund in the town of Berkley; and they, and their successors shall, by that name, continue to be a body politic and corporate forever, and shall have power to make and use a common seal, subject to be altered at their pleasure; and may sue, and be sued in any action, real, personal, or mixed, and prosecute and defend the same to final judgment and execution.*

Persons incor-
porated.

SECT. 2. *Be it further enacted, That the said trustees shall forever hereafter, in the month of August annually, and at such other times as may be found necessary for the transaction of their business, hold a meeting in the said town of Berkley, at such time and place as a major part of said trustees, for the*

Annual meet-
ing of trustees,

time being, by an advertisement posted up in some public place in said town, seven days at least before such meeting, shall appoint and direct; and shall at such annual meeting elect a president to preside in their meetings, a clerk to record the votes and proceedings of the trustees at their regular meetings, in a book or books to be kept for that purpose, and who shall be sworn to the faithful discharge of his trust; and a treasurer to receive and apply the monies as hereinafter directed. And the said trustees are further authorized and required, at any meeting regularly called for that purpose, in the manner above prescribed, to supply from the inhabitants of said town, any vacancies which may from time to time be occasioned by the death, resignation, or removal of any of the said trustees, or either of their officers aforesaid.

Duty of trustees.

SECT. 3. *Be it further enacted,* That it shall be the duty of the said trustees and their successors, to receive and manage all monies now raised and appropriated as a fund for the support of a Congregational minister in the said town of Berkley, and also to receive, manage and improve all such estate, real, personal and mixed, as may hereafter come to them, in their said corporate capacity, for the purpose aforesaid, by gift, grant, devise or otherwise, by operation of law, not exceeding in the whole, the amount or value of eight thousand dollars, in such way and manner as in their judgment will best obtain and secure the end of their incorporation; and they are also hereby authorized and empowered to lease, sell or convey in fee simple, or otherwise, all or any part of the estate which may come to them in their said corporate capacity, and for that purpose to make, execute and acknowledge any good and sufficient deed or deeds thereof, which deed or deeds, when signed by the president, countersigned by the clerk, and sealed with their common seal, shall be valid in law, to convey such estate to the purchaser, according to the conditions and meaning of such instrument.

Money to be loaned on interest.

SECT. 4. *Be it further enacted,* That all money coming to the said trustees, in their said corporate capacity, shall be loaned on interest, and secured by the bond or note of the borrower, with sufficient surety or sureties, or by his bond or note, with mortgage on real estate to the satisfaction of the said trustees, or they may invest all or any part of said money in public fund securities or bank stock, as they may think best: and whenever the annual interest or income of the said ministerial fund, whether real or personal estate, shall amount to the sum of one hundred and twenty dollars, the trustees shall make a statement thereof to the said town, and the said annual interest or income may then be applied for, and toward the support of such Congregational minister as then shall be, or from time to time thereafter, may be settled by the church and congregation in said town to preach the gospel in the meeting house, or place of public worship near the centre of said town; or the said annual interest or income may remain for a longer time in the hands of said trustees to increase the principal of the said fund, as the inhabitants of the said town at a legal meeting to

be called for that purpose, may, by a major vote, determine and direct.—*Provided* that the principal of the said fund, shall at no time exceed the amount or value of eight thousand dollars. And the said town shall not have the power to change the appropriation of the said fund from the support of such Congregational minister as aforesaid, or to alienate, alter or diminish the principal thereof, if, by such alienation, alteration, or diminution, the said principal shall be reduced to a less sum or value than eight thousand dollars. Proviso.

SECT. 5. *Be it further enacted*, That the said treasurer before entering on the duties of his said office, shall give to the said trustees and their successors his bond, with sureties to the satisfaction of the said trustees for the faithful discharge of the duties of his said office; and the said treasurer shall be the receiver of all monies and effects due, owing, or coming to the said trustees, and shall have the care and custody of all monies, effects, obligations, securities, and evidences of property, belonging to the said trustees, to be accountable therefor; and shall render a fair and regular account of all his doings, and of the property and effects in his hands, whenever thereto required by the said trustees, and shall dispose of the same as they shall order and direct, and shall deliver over to his successor in the same office as soon as may be, all the books, papers, property, and evidences of property in his hands, in good order and condition. Treasurer to give bonds.
His power and duty.

SECT. 6. *Be it further enacted*, That the said trustees and their successors, shall be accountable to the said town of Berkley for the said ministerial fund, and for their management thereof; and shall be liable to the said town, in their own private property and persons respectively, for any embezzlement, negligence or misconduct, in their said capacities as trustees; and the said town of Berkley may commence and prosecute, to final judgment and execution, an action of trespass on the case against the said trustees, or any of them, or their successors, for any such embezzlement, negligence or misconduct; and all damages recovered in such action, shall be applied to increase the said ministerial fund; and whenever judgment shall be rendered against any one, or more of the said trustees in such action, such trustee or trustees shall be held and considered thereby, to be removed from his or their said trust, and the vacancy or vacancies thus made, shall be supplied in manner as is herein before provided. [*June 9, 1813.*] Trustees accountable.

An ACT to incorporate the proprietors of Meadow Lands, in the town of Deerfield, Chap. 7.

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 passing this Act, David Hoit, Seth Nims, David Sheldon, Seth Sheldon, Solomon Williams, John Bardwell, Joseph Cleason, Dennis Stebbins, Zadock Hawks, Quartus Wells, Asa Stebbins, Joseph Stebbins, and Thomas Wells Dickinson, together with such others as may hereafter become proprietors be, and they hereby are incorporated into a body politic, by the name of the Proprietors of Plain Swamp Persons incorporated.

Brook Meadows, and by that name may sue and be sued, and do and suffer all matters, acts or things, which bodies politic may or ought to do and suffer.

Justice to issue warrant.

SECT. 2. *Be it further enacted*, That any Justice of the Peace in the county of Franklin be, and he hereby is empowered and directed, upon application in writing from three 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 for the purposes to be expressed in said warrant, by posting up a copy of said warrant, with the notification thereon, at the house of public worship in the town-street in said town, 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, assessors, collector, 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 to do and perform; and said corporation shall, at their first meeting, agree and determine upon the method for calling future meetings; and said corporation shall, at their first meeting, or any other meeting legally called for that purpose, have power to vote and raise monies for the purpose of draining off the stagnant water from said meadow, from time to time, as shall be found necessary for the better improvement of said lands, and for paying all other expenses, that shall be found necessary for carrying the votes and orders of said corporation into effect; and all monies raised as aforesaid, shall be assessed upon each proprietor in the meadows aforesaid, in proportion to the number of acres, or the value thereof, he or she owns; and if any proprietor shall refuse or neglect to pay the sum or sums assessed upon him or her, as aforesaid, after thirty days notice, so much of his or her meadow land shall be sold at public vendue by the collector, as will be sufficient to pay the same, with legal costs, after posting up notice of the time and place of said sale, at three or more public places in said town, thirty days at least before the time of said sale. [June 10, 1813.]

Proprietors to choose officers.

Corporation may raise money.

Penalty for neglecting to pay assessments.

Chap. 8.
1809 ch. 14.
1810 ch. 18.
1811 ch. 2.

An ACT in addition to an Act, entitled "An Act in addition to an Act, entitled An Act to incorporate Isaac Story and others, by the name of the Marblehead Social Insurance Company."

Further time allowed to pay instalments.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of four years, from and after the seventeenth day of July next, be allowed to the stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the sum of one hundred thousand dollars, the capital stock of said company: and that the said residue shall be paid in such proportions, and

at such periods within the time mentioned, as the directors of said company for the time being, shall order and appoint, any thing in the Act to which this Act is in addition, or in the Act of incorporation of said company, to the contrary notwithstanding; and that so much of the ninth section of the Act aforesaid, entitled "An Act establishing a corporation, by the name of the Marblehead Social Insurance Company," passed the seventeenth day of June, in the year of our Lord one thousand eight hundred and nine, as restricts the legal transfer or assignment, of any share or shares of the stock in said company, be, and the same is hereby repealed.—*Provided however*, that nothing in this Act shall be construed to exonerate, or discharge the estates of the stockholders of said company from being liable, in the manner and for the purposes mentioned in said Act, to which this is in addition. [June 10, 1813.] Further acts—1817 ch. 24: 1819 ch. 9.

(Extended
1817 ch. 24.
1819 ch. 9.)

Proviso.

An ACT to establish The Union Manufacturing Company.

Chap. 10.

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 Clap, Warren Clap, Benjamin Billings, Daniel Ellis, Daniel Payson, Edward G. Cundall, and Oliver Eldridge, together with such others as may hereafter join and associate with them, their successors and assigns be, and they hereby are made a corporation, by the name of The Union Manufacturing Company, for the purpose of manufacturing Cotton and Woollen Cloth, and Yarn, in the town of Walpole, in the county of Norfolk; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, one thousand eight hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate, not exceeding the value of twenty-five thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may be convenient and necessary for carrying on the manufacture aforesaid. [June 10, 1813.]

May hold real and personal estate.

An ACT to incorporate the North Parish, in the Town of Sutton, into a separate Town, by the name of Millbury.

Chap. 12.

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 comprised within the North Parish, in the town of Sutton, in the county of Worcester, as the same is now bounded, together with the farm on which Joshua Chase now lives in said town, with all the inhabitants dwelling thereon be, and they hereby are incorporated into a town, by the name of Millbury, and vested with all the powers, privileges, and immunities, and subject to all the duties and requirements of other incorporate towns, agreeably to the constitution and laws of this Commonwealth.

Town incorporated, and boundaries.

SECT. 2. *Be it further enacted*, That the inhabitants of the said town of Millbury, shall be holden to pay all the arrears

Holden to pay arrears of taxes.

of taxes which have been assessed upon them by the town of Sutton; and shall also support and maintain all such persons, as heretofore have been, now are, or hereafter may be inhabitants of that part of Sutton, hereby incorporated, and are, or may become chargeable, according to the laws of this Commonwealth, and who have not obtained a settlement elsewhere therein.

Entitled to proportion of real and personal property.

SECT. 3. *Be it further enacted*, That the inhabitants of the said town of Millbury, shall be entitled to receive and hold such proportion of all debts now due, and assessments already voted to the said town of Sutton, and also such proportion of all the real and personal property of the town of Sutton, of what kind soever it may be, now owned in common by the inhabitants of said town, as the property of the inhabitants of Millbury bears to the property of all the inhabitants of the said town of Sutton, according to the last valuation thereof; and they shall also be holden to pay their proportion, (to be ascertained as aforesaid,) of all the debts now due, and owing from the said town of Sutton; and the inhabitants of said Millbury, or any religious society therein, shall furthermore be entitled to receive and hold such proportion as they are now entitled to, if any, of the ministerial money raised by the sale of ministerial lands in said Sutton, which money is now in the hands of the first Congregational Society in said town.

SECT. 4. *Be it further enacted*, That in case the dividing line between the said town of Millbury and the said town of Sutton, should happen to divide the farms of any of the inhabitants of either said towns, the said inhabitants shall be taxed for the whole of their home farm in that town only, where they may respectively dwell.

Justice authorized to issue warrant.

SECT. 5. *Be it further enacted*, That any justice of the peace, for the county of Worcester, upon application therefor, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Millbury, requiring him to notify and warn the inhabitants thereof, to meet at such time and place, as may be appointed in said warrant, for the choice of all such town officers, as towns are by law required to choose at their annual town meetings. [June 11, 1813.]

Chap. 13.

An Act to incorporate The Palmer's River Manufacturing Company.

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 Paul Nelson, Asa Bullock, Gideon Peck, James Nichols, and Benjamin Norris, and others who have already associated, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Palmer's River Manufacturing Company, for the purpose of manufacturing Cotton and Woollen Goods at Rehoboth, in the county of Bristol; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entit-

led, "An Act, defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

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 and fifty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactures aforesaid, in the town of Rehoboth. [June 11, 1813.]

May hold real and personal estate.

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 Northampton Bank," Chap. 14. (1802 ch. 95.)

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 incorporate sundry persons, by the name of 'The President, Directors and Company of the Northampton Bank,'" and also an Act in addition thereto, passed the eighteenth day of June, in the year of our Lord one thousand eight hundred and three, shall continue and remain in force for and during the term of five years, from and after the first Monday of October next, so far as to make the said President, Directors and Company capable in law, during the term aforesaid, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatsoever; and they shall also have power to sue out, and cause to be executed, final process in any suit in which they may be a party, or may be interested; and to make, execute and deliver proper and legal conveyances, or releases of any real estate of which they may be seized and possessed, any thing in either of the Acts aforesaid to the contrary notwithstanding. [June 11, 1813.]

(1803 ch. 12.)
Act of incorporation continued.

An ACT to incorporate The Medford Wire Factory 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 Isaac P. Davis, John L. Sullivan, Richard Sullivan, and George Sullivan, with such other persons as may hereafter be associated with them, their successors and assigns, be, and they hereby are made a corporation and body politic, by the name of The Medford Wire Factory Company, for the purpose of manufacturing Wire in the town of Medford; 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 March the third, one thousand eight hundred and nine, entitled, "An Act, defining the general powers and duties of Manufacturing Corporations."

Chap. 16.

Persons incorporated.

[Name changed—
1814 ch. 7.]

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate not exceeding the value of forty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 11, 1813.] Add. act—1814 ch. 7.

May hold real and personal estate.

Chap. 18.

An ACT to incorporate The Central Manufacturing Company.

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 William Carr, James Ellis, Joseph Smith, jun. and others, who have already associated, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Central Manufacturing Company, for the purpose of manufacturing Cotton and Woollen Goods at Seekonk, in the county of Bristol; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act, defining the general powers and duties of Manufacturing Corporations."

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of three hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactures aforesaid in the town of Seekonk. [June 11, 1813.]

Chap. 20.

An ACT to incorporate a Manufacturing Company in the Town of Middleborough.

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 Washburn, George Leonard, Levi Pierce, Peter H. Pierce, William Bourne, Joseph Bourne, John Borden, jun. John Tinkham, Ephraim Leonard, Edward Sparrow, jun. Wilkes Wood, James Sprout, and Abraham Wilson, with such others as may hereafter be associated with them, their successors and assigns, be, and hereby are made a corporation, by the name of The New-Market Manufacturing Company, for the purpose of manufacturing Iron, and also Cotton and Woollen Cloth, and Yarn, in the town of Middleborough, in the county of Plymouth; 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 third day of March, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and possessed of such personal estate, not exceeding the value of one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid. [June 11, 1813.]

Chap. 21.

An ACT to incorporate The Holliston 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 Elihu Cutler, James Wight, Oliver Leland, Timo-

thy Fisk, Aner Fish, James Cutler, and Nathan Fairbanks, 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 Holliston Cotton and Woollen Manufactory, for the purpose of manufacturing Cotton and Wool, at Holliston, in the county of Middlesex; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." (1808 ch. 65.)

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 and Wool, at Holliston aforesaid. [June 11, 1813.]

Persons incorporated.
May hold real and personal estate.

An Act to set off Silas Atkins, jun. and others from the Town of Truro, and annex them to the Town of Provincetown. Chap. 25.

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 Atkins, jun. Henry Dyer, Joshua Atkins Mayo, Charles Parker, Isaiah Atkins, Samuel W. Atkins, Nathaniel Atkins, Conrad Disher, John Stone, and Job Dyer Hill, with their families and estates, together with all other persons living on the first and second lots in Truro, adjoining said Provincetown, shall be, and they hereby are set off from said town of Truro, and annexed to said town of Provincetown, and shall forever hereafter be subject to all the duties, and entitled to all the privileges of citizens and inhabitants of Provincetown. *Provided however*, That said persons so set off, shall be liable to pay all taxes that have been legally assessed on them by said town of Truro, in the same manner as if this Act had not passed. *And provided further*, That until a new valuation of polls and estates shall be taken and made, the said town of Provincetown shall be liable to pay over to the town of Truro, all such sums of money as shall be levied and collected from the persons set off as aforesaid, as their proportion of the state and county taxes.

Persons set off from the town Truro.

Proviso.

SECT. 2. *Be it further enacted*, That the dividing line between the town of Truro and the town of Provincetown, shall in future be the line between the second and third lots of said town of Truro as they have been heretofore known, and as the said line now runs across the Cape from the waters of the harbour, upon the south, inside, to the sea, upon the north or back side. [June 12, 1813.]

Boundaries.

An Act extending the time for paying the instalments of the capital stock of The Mechanics' Bank in Newburyport. Chap. 26. 1812 ch. 46.

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

Further time allowed to pay instalments.

the first instalment of the said capital stock shall be paid on or before the first day of July next, the second on or before the first day of October next, the third on or before the first day of January next, and the fourth on or before the first day of April next; and such payments shall, in all respects, be as valid, as if they had been made agreeably to the second section of the Act of their incorporation, any thing in the said Act to the contrary notwithstanding. [June 12, 1813.] Further act—1816 ch. 97.

Chap. 28.

An ACT to establish part of the Line between the Towns of Duxborough and Marshfield, in the county of Plymouth.

Boundary line established.

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 dividing line between the northeast corner of Duxborough and the southeast corner of Marshfield, namely, beginning at a heap of stones on the top of Duck Hill, and running north, sixty-six and an half degrees east, to the sea shore, shall, from and after the passing of this Act, be the boundary line between the two towns, any law, usage, or custom to the contrary, notwithstanding. [June 14, 1813.]

Chap. 35.
1804 ch. 27.
(V. 3. p. 464.)

An ACT in addition to an Act, entitled, "An Act for incorporating certain persons therein named, for the purpose of supporting a Bridge over Chicapee River, at a place called Wallomonumps.

Authorized to call 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 the inhabitants of the town of Ludlow, in the county of Hampden, be, and they are hereby authorized to call a meeting of The Proprietors of Wallomonumps Bridge, by giving notice of the time and place appointed for meeting, under the hand of the town clerk of said town, or any person or persons by said town for that purpose appointed, in a newspaper printed in Springfield; said meeting to be holden not less than seven days after such notice shall be published; and said proprietors may, at such meeting, choose a clerk, who shall be sworn to the faithful performance of his duty, and all other necessary officers, and make such by-laws and regulations as they may judge proper, not repugnant to the laws and constitution of this Commonwealth.

Proceedings to be valid.

SECT. 2. Be it further enacted, That the doings and proceedings of said corporation at such meeting, shall, so far as respects their future transactions only, be, to all intents and purposes valid, as if, pursuant to the said Act to which this is in addition, a clerk and other officers had been duly chosen and sworn by said corporation, and they had then agreed upon a mode of calling future meetings. [June 14, 1813.]

Chap. 36.
1807 ch. 31. 78.
1809 ch. 66.

An ACT in further addition to an Act, entitled, "An Act to incorporate sundry persons into a company, by the name of The Proprietors of the Exchange-Coffee-House."

May purchase land.

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 Exchange Coffee-House, in Boston, in their corporate capacity shall be, and are hereby declared ca-

pable to purchase, have, hold, and possess all parts and any part of the lands and tenements, lying, and being on the south-westerly side of said Exchange Coffee-House, and extending as far from the present southwesterly boundary of said proprietors' land, as the boundary line of the Quaker meeting-house and burying-ground, so called; and the same, or any part thereof, to grant, sell, alien, lease, exchange, manage and improve in such mode as they are, or may be, by law, authorized to do with respect to the land and property described in the original Act, to which this is in further addition. [June 14, 1813.]

An ACT to incorporate the Bridgewater Manufacturing Company.

Chap. 37.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abel Kingman, Thomas Thompson, Isaiah Packard, Perez Crocker, Micah Shaw, Ichabod Howard, and Samuel Battles, together with such others as have, or may hereafter associate with them, their successors or assigns, be; and they are hereby made a corporation, by the name of the Bridgewater Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth, and yarn, in the town of Bridgewater, in the county of Plymouth; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [June 14, 1813.]

May hold real and personal estate.

An ACT to incorporate the Franklin Manufacturing Company.

Chap. 38.

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 Allen, Nathaniel Miller, Eli Richardson, Bethuel Boyd, Harlous Whiting, Levi Fisher, Asa Thayer, Davis Thayer, John French, and Otis Everett, together with such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Franklin Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth, and yarn, in the town of Franklin, 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, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceed-

May hold real and personal estate.

ing fifty thousand dollars, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture aforesaid. [June 14, 1813.]

Chap. 40.

An ACT to set off Isaac Alden the second, and others, from the Union Calvinistic Society in Abington, and annex them and their estates to the East Parish in Bridgewater.

Persons set off.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Alden the second, Hiram Washburn, Ezra Alden, Isaac Allen, Christopher Sever, and Sampson Washburn, all of Bridgewater, in the county of Plymouth, with their families and estates, be, and they hereby are set off from the Union Calvinistic Society, in the town of Abington, in said county, and annexed to the east parish of Bridgewater aforesaid; and shall hereafter be liable to all the duties, and entitled to all the privileges in said parish they would have been, had they never belonged to the said Union Calvinistic Society. *Provided nevertheless,* that they be held to pay all legal taxes and arrearages of taxes, already assessed upon them by said society. [June 14, 1813.]

Proviso.

Chap. 41.

1796 ch. 5. 31.
(V. 2. p. 73.
99.)

1797 ch. 66.
(V. 2. p. 210.)
1798 ch. 48.

(V. 2. p. 265.)
May purchase
and hold es-
tate.

An ACT in addition to the several Acts, establishing and regulating the First Massachusetts 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 first Massachusetts turnpike corporation be authorized to purchase and hold such real estate, adjoining to their turnpike roads, as may be convenient and necessary for the accommodation of their toll gatherers, and may from time to time sell or exchange the same when in their judgment it shall be necessary.

Rates of toll.

SECT. 2. *Be it further enacted,* That the said corporation be, and they hereby are authorized to demand and receive of each passenger, at the most eastern gate erected on said roads, for every cart, waggon, or truck, drawn by one horse, six cents and one quarter of a cent, and for each sleigh or sled, drawn by one horse, five cents; and to demand and receive of each passenger at the west gate on said roads, for every cart, waggon, or truck, drawn by one horse, five cents, and for every sleigh or sled, drawn by one horse, four cents. *Provided however,* that nothing herein contained shall extend to entitle said corporation to demand or receive toll from any person passing to or from his usual place of public worship, or from any person residing in the town where the gate may be placed, unless they are going or returning from beyond the limits of said town, or from any person going to or from any grist mill, or on the common and ordinary business of family concerns. [June 14, 1813.] Further act—1819 ch. 34.

Proviso.

Chap. 43.

An ACT authorizing Stephen King and his associates, to establish a Dam across Taunton Great 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 Stephen King and his associates be, and they are hereby authorized to build and maintain a dam across Taunton Great River, so called, on the land of the said Stephen King, in Taunton and Raynham, at a place about one quarter of a mile above King's bridge on said river, for the purpose of establishing and carrying on Mills and manufactories. *Provided*, that such dam shall not be erected in such manner as to flow the water back to the injury of the works on Pratt's dam in Middleborough, situated on the same river.

Authorized to build a dam.

Proviso.

SECT. 2. *Be it further enacted*, That a proper and sufficient sluice-way, shall be constructed in the dam hereby authorized to be built, and such sluice-way shall, at all times, be kept in repair, and ready to be opened for the free passage of boats and rafts, as well as all kinds of lumber, which have usually been floated on said river, and also a convenient way to be constructed and kept open according to law, for the passage of such fish as usually pass up the same river in their proper season; and if such sluice-ways and fish-ways shall not be sufficient, the same dam, or such part thereof as may be necessary, may be removed or abated as a nuisance, in the same manner as other nuisances may, by law, be removed or abated. [June 14, 1813.]

Sluice-way to be built.

An ACT to appropriate certain lands lying within the plantation of Marshpee, in the county of Barnstable, as a parsonage for the use of the missionary on said plantation.

Chap. 44.

WHEREAS the permanent establishment of the public worship of God among the native proprietors and inhabitants of the plantation of Marshpee, in the county of Barnstable, is eminently conducive to the religious improvement and well being of said proprietors and inhabitants, the practice of which is sanctioned by the wisdom and policy of our venerable ancestors :

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 lands hereinafter described and bounded, situate in the plantation of Marshpee, in the county of Barnstable, be, and they are hereby appropriated and set apart as a parsonage, for the exclusive use and occupation of such teacher of piety, religion and morality, as now is, or may be in future regularly ordained as missionary over said plantation, to wit: a parcel of pasture land containing about thirty acres, known by the name of Santuct field, and is bounded west and north-westerly by Santuct river and pond, so called; north and north-easterly by a swamp separating said land from Wright's field, so called; south and south-easterly by a fence, making a boundary line between said land and the land of Alvan Crocker and sons: also a parcel of meadow land lying round a small island, called Daniel's island, in Great Neck, producing about six tons of salt hay, and is separated from the other Indian meadow by an ancient range, on the westerly side of said island, connecting the same with the main land. [June 14, 1813.]

Land appropriated for missionary.

Boundaries.

Chap. 45.

AN ACT to incorporate the Protestant Episcopal Parish of St. James' Church in Greenfield.

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 Chapman and Oliver Page, church wardens, and John E. Hall, Alpheus F. Stone, Chester Gunn, Samuel Pierce and Daniel Clay, vestrymen, together with such others as have, or may hereafter join said parish or society, and their successors, together with their polls and estates, be, and they hereby are incorporated into a society or body politic, by the name of the Protestant Episcopal Parish of St. James' Church, in Greenfield; and the said parish or society are hereby invested with full power and authority to assess and collect of the members belonging to said parish, for the purpose of maintaining the public worship of God therein, and for maintaining their instructor of piety, religion and morality, and for erecting a house of public worship, and repairing the same from time to time, such monies as are or may be necessary for those purposes; and they are hereby vested with such powers, privileges and immunities, as any other religious society does or may enjoy by the laws of this Commonwealth.

(Further pow-
ers
1821 ch. 13.)

Manner of be-
coming a mem-
ber.

SECT. 2. *Be it further enacted,* That if any other person or persons may hereafter incline to join said Episcopal parish, in Greenfield aforesaid, and shall leave a certificate of the same, signed by the rector, clerk or committee of said parish, with the clerk of the town to which he or they may respectively belong, he or they, with his or their polls and estates, shall be considered as belonging to said Episcopal parish, in the same manner as though he or they were incorporated by name in this Act. And whenever any person or persons belonging to said Episcopal parish, shall see cause to leave the same, and unite with any other religious parish or society, and shall leave with the rector or clerk of said Episcopal parish, a certificate of the same, signed by the minister or clerk of the parish or other religious society, with which he or they may have united, he or they, with his or their polls and estates, shall be discharged from said Episcopal parish, and annexed to the parish or society to which he or they may have joined themselves.

Manner of
leaving the so-
ciety.

SECT. 3. *Be it further enacted,* That the said Protestant Episcopal parish be, and they hereby are empowered to raise and establish a fund, in such way and manner as they may see fit, the annual income or interest of which shall not exceed the sum of two thousand dollars, the said income or interest, or so much thereof as shall be necessary, to be appropriated to the support of a Protestant Episcopal priest or priests in said parish. [June 16, 1813.] Add. act—1821 ch. 13.

Interest how
appropriated.

Chap. 46.

AN ACT to incorporate the President, Directors and Company of the New-England Bank.

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 John Gore, Samuel May, Robert G. Shaw, Edward Blake, jun. Samuel Dorr, Nathaniel R. Sturgis, George Lyman, David Greenough, Samuel Cabot, jun. Francis Lee, Allan Melvill, Ed-

ward Motley, Eben Appleton, David Hinckley, John Wood, Samuel G. Williams, Daniel P. Parker, James S. Colburn, Israel Munson, Thomas K. Thomas, John Bumstead, William Gill, Henry Gassett, jun. Benjamin Rich, John Bryant, Henry G. Rice, Enoch Bartlett, William S. Shaw, Thomas Cushing, Richard D. Tucker, William Sturgis, Patrick T. Jackson, Francis C. Lowell, William Ropes, Francis Welch, Asaph Stone, Thomas Cordis, Phineas Upham, Charles Barrett, and Benjamin M. Watson, and their associates, successors and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the New-England Bank, and shall so continue from the first Monday in October next, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this Act, as fully and effectually as if the several sections of said Act were herein specially recited and enacted.

Time incorporated for.

(1811 ch. 84.)

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of a sum not exceeding one million of dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following: that is to say, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next, and the residue at such time as the stockholders, at any meeting called for that purpose, shall direct. And the stockholders at their first meeting shall by a majority of votes determine the mode of transferring and disposing of said stock, and the profits thereof; which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. 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 fifty thousand dollars, and no more, at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies 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 said corporation from taking and holding real estate in mortgage, or on executions, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and paid in, and existing in gold or silver in their vaults, shall amount to two hundred

Amount of capital stock, and of each share.

Payment of shares.

May hold real estate, and amount.

(Enlarged 1818 ch. 48.)

Proviso.

Governor to
appoint com-
missioners, and
duty of.

and fifty thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine and count the monies actually existing in said vaults, and to ascertain, by the oath of the directors of said bank, or some of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

Bank, where
established.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Boston.

Money to be
loaned the
State.

SECT. 4. *Be it further enacted*, That whenever the legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock then actually paid in, at any one time—reimbursable by 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 stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

Calling first
meeting of
stockholders.

SECT. 5. *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 to appoint, by advertising the same in any two newspapers printed in the town of Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting of the affairs of 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.

State may sub-
scribe
\$500,000.

SECT. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding five hundred thousand dollars, to be added to the capital stock of said Corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature
may appoint
directors.

SECT. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said bank, in proportion as the sums paid from the Treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter they shall judge fit to exercise that right. [June 16, 1813.] Add act—1818 ch. 48.

An ACT to prevent the destruction of Quahaugs in the plantation of Marshpee. *Chap. 56.*

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, if any person or persons shall take, rake and carry away more than two bushels of quahaugs, including the shells, at any one time, and being duly convicted thereof, in manner hereinafter prescribed, shall forfeit and pay not less than three dollars, nor more than eight dollars, unless liberty for taking said fish be first had and obtained from the guardian or treasurer of said plantation.

Penalty for breach of act.

SECT. 2. *Be it further enacted,* That if any Indian or other inhabitant of said plantation, shall aid or assist any person or persons belonging to any other town or place, in the taking or carrying away of the fish aforesaid, or shall supply him or them therewith, he shall forfeit and pay not less than one dollar, or more than three dollars, for every such offence.

SECT. 3. *Be it further enacted,* That if any vessel or boat, not belonging to any inhabitant of this Commonwealth, shall be found within three miles of bays, harbour, and shores of said plantation, having on board more than two bushels of said fish, including the shells, taken within the same, and not having a permit, in writing, from the Guardian and Treasurer as aforesaid, it shall and may be lawful for any person or persons to detain such vessel or boat, until the master or owner thereof shall pay the forfeiture ordered by the Court that shall try the same, and the legal costs arising thereon.

Boats may be seized.

SECT. 4. *Be it further enacted,* That all breaches of this act, shall be heard and determined by any Justice of the Peace in the county of Barnstable, who, on complaint of any breach of this act, made to him in writing and on oath, shall issue his warrant for apprehending and bringing before him the person or persons thereof accused; and all the forfeitures which may arise as aforesaid, shall accrue and be appropriated, one moiety to him or them who shall complain as aforesaid, and the other moiety to the use of said plantation. [June 16, 1813.]

Breaches to be tried.

An ACT in addition to An Act, entitled "An Act to prevent the destruction, and to regulate the catching of the fish, called Alewives, in their passage up the rivers and streams, in the town of Harwich, in the county of Barnstable."

Chap. 57.
1787 ch. 10.
(V. 1. p. 166.)

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 Harwich be, and they are hereby authorized and empowered by their committee, annually chosen in the month of March or April, to dispose of the fish called Alewives as they may think proper.

Empowered to dispose of Alewives.

SECT. 2. *Be it further enacted,* That the Committee aforesaid, shall pay over to the Treasurer of the said town of Harwich, on or before the first day of January annually, all the net proceeds of the sale of said fish, for the use of said town; and any Committee appointed as aforesaid, that shall neglect or refuse to pay over as aforesaid, all the monies they shall have received as aforesaid, shall forfeit and pay for each of

Committee to pay over to Treasurer.
(Extended to Brewster by 1813 ch. 115.)

fence a sum, not exceeding two hundred dollars nor less than fifty dollars, to be recovered by their Treasurer for the use of the inhabitants of said town, by action of debt, in any Court proper to try the same. [June 16, 1813.] Further act—1813 ch. 115.

Chap. 59. An ACT to incorporate the President, Directors and Company of the Hampshire 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 Joseph Lyman, Oliver Smith, Ebenezer Mattoon, Benjamin Smith, Seth Wright, Nathaniel Smith, Ebenezer Hunt, jun. and Theodore Wright, their associates, successors, and assigns shall be, and hereby are created a Corporation, by the name of The President, Directors, and Company of the Hampshire Bank, and shall so continue until the first day of October, which will be in the year of our Lord, one thousand eight hundred and thirty-one; 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 place whatever, and also to make, have, and use a common seal; and 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 the prudent management of their affairs; *Provided* such by-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. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars in gold and silver, divided into shares of one hundred dollars each, which shall be paid in four equal instalments, the first on the first day of September next; the second, on the first day of March next; the third, on the first day of September next, after; and the fourth, on the first day of March next, after. And the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered on the books of said corporation shall be binding on the stockholders, their successors and assigns; 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 thirty thousand dollars, and no more at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper: *Provided however,* that nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution to any amount, as security for, or in payment for any debt

Persons incor-
porated.

Proviso.

Amount of
stock.

Altered by
1814 ch. 125.
1815 ch. 98.
1817 ch. 55.

May hold es-
tate.

Proviso.

due to the said Corporation. *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to twenty-five thousand dollars.

SECT. 3. *Be it further enacted*, That the rules, limitations; and provisions, which are provided in and by the third section of an act entitled, "An act to incorporate the President, Directors and Company of the State Bank" shall be binding on the Bank hereby established. *Provided*, That the bond required to be given by the Cashier, shall be given in the penalty of twenty thousand dollars; that the number of Directors to be annually chosen shall be five, and three may constitute a quorum for the transaction of business. *And provided also*, That the amount of debts, at any time due from said Bank, shall not exceed fifty per cent. beyond their capital stock actually paid in.

Rules, &c. to be binding.
(1811 ch. 84.)

Proviso.

SECT. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Northampton.

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 which may be required not exceeding twenty thousand dollars at any one time, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payments of interest, at a rate not exceeding five per cent. per annum. *Provided however*, That the Commonwealth shall never, at any one time, stand indebted to the Corporation without their consent, for a larger sum than thirty thousand dollars.

Shall loan to the Commonwealth.

Proviso.

SECT. 6. *Be it further enacted*, That any Committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation and shall have free access to all their books and vaults, and if, upon such examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, the incorporation shall thereupon be declared forfeited and void.

To have access to books and vaults.

SECT. 7. *Be it further enacted*, That the persons herein before named or a majority 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 three weeks successively in the Hampshire Gazette, printed at Northampton, for the purpose of making, ordaining and establishing such by-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.

Authorized to call a meeting.

SECT. 8. *Be it further enacted*, That it shall be the duty of the Directors of the said Bank to transmit to the Governor and

Shall exhibit a statement of accounts.

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 debts due the same; of the monies deposited therein; of the notes in circulation; and of the gold, silver, and copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath before some person competent to administer the same.

Commonwealth may hold stock.

SECT. 9. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Company, subject to such rules, regulations and provisions, as shall be by the Legislature made and established, as to the management thereof.

Shall pay their notes if counterfeited.

SECT. 10. *Be it further enacted,* That the said corporation, shall be liable to pay to any *bona fide* holder, the original amount on any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Shall pay a tax to the Treasurer of State.

SECT. 11. *Be it further enacted,* That the said corporation, from and after the first day of September next, shall pay by way of a tax to the Treasurer of this Commonwealth for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in: *Provided however,* That the same tax payable in manner aforesaid, shall be required by the Legislature, of all banks, that are now or shall be hereafter incorporated within this Commonwealth: *and provided further,* that nothing herein contained shall be construed to impair the right of the Legislature, to lay a tax or excise upon any bank already incorporated under the authority of this Commonwealth, whenever they may think proper so to do.

Proviso.

Amount to be appropriated to loans.

SECT. 12. *Be it further enacted,* That one tenth 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 and manufacturing interest, which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of the said Bank, for a term not less than one year, and on condition of paying the interest annually on such loans subject to such forfeitures, and right of redemption as is by law provided in other cases. [June 16, 1813.] Add. acts—1814 ch. 125: 1815 ch. 98: 1817 ch. 55.

Amount of loans.

Security for loans.

Chap. 60.

AN ACT to annex Aribert Leonard and Martin Wilson to the Second Parish in West Springfield.

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

Aribert Leonard and Martin Wilson of West Springfield, with their families and estates, be, and they are hereby set off from the First, and annexed to the Second Parish in West Springfield: *Provided*, that each of the said persons shall be holden to pay his respective proportion of all taxes which have been assessed upon his poll and estate, and due to the said First Parish prior to the passing of this act. [June 16, 1813.]

Persons set off.

An ACT to incorporate The Episcopal Society of St. Mary's Church, in Newton. Chap. 61.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Solomon Curtis and Thomas Durant, Church Wardens, Nathaniel Wales, Ephraim Jackson, 2d. and Isaac Hagar, Vestrymen, with such other persons residing in Newton, Needham, and in towns and places adjacent, as now are, or hereafter may be associated with them and their successors, together with their polls and estates, be, and they are incorporated into a society or body politic, by the name of The Episcopal Society of St. Mary's Church in Newton, with all the privileges, powers and immunities, which parishes do or may enjoy by the laws of this Commonwealth.

Persons incorporated.

SECT. 2. *Be it further enacted,* That each and every person, who is, or shall become a proprietor, or interested by subscription, purchase or otherwise, in the house of public worship, to be erected by the said society in Newton aforesaid, and any person proposing to attend public worship there, not being heretofore a member of the said society, who shall enter his or her name and request to become a member, with the Warden and Vestry, or with the Clerk of the said society, shall be deemed, taken and entitled, and they with their estates shall be liable to all lawful taxes and assessments as members of the said Episcopal Society; and the members of the said Episcopal Society shall be, and they, with their estates, hereby are exempted from all other taxes and assessments for the support of public worship, in the town or parish where they may respectively reside: *Provided*, that persons hereafter becoming members shall give notice thereof in writing to the Assessors or Clerk of the parish or town where they reside, and until such notice, shall not be entitled to the exemption aforesaid. *And provided*, That persons withdrawing from the said Episcopal Society, who shall give notice thereof in writing, to the Wardens and Vestry, or Clerk for the time being, shall be no longer liable to any taxes or assessments, afterwards granted and voted therein; and they, with their estates, shall become again liable to all other taxes and duties for the support of public worship, in the parish or town where they may respectively reside, and as other inhabitants there, not entitled to any special exemption, are or shall be by law liable.

Manner of becoming a member.

Proviso.

SECT. 3. *Be it further enacted,* That the said Episcopal Society shall be capable to take and hold, by gift, grant or purchase, any real or personal estate, and to manage, sell and dispose of the same, and for that purpose shall have a common

May hold real and personal estate.

Proviso. seal, to be established, altered and renewed at their pleasure: *Provided*, that the real estate holden by them at any one time shall not exceed in annual value, the sum of four thousand dollars; *And provided*, that no sale thereof shall be valid and effectual, unless the same shall be made with the concurrence of their Minister, if any, and of two thirds at least of the proprietors of pews, being members of the said society.

Taxes, how recovered. SECT. 4. *Be it further enacted*, That the said Episcopal Society shall have the same authorities and powers, in granting, voting and assessing and collecting taxes for the maintenance of a Minister, and the support of public worship, which Congregational Parishes have or may enjoy, by virtue of any general statute of this Commonwealth. And assessments of taxes lawfully granted and made for the said Episcopal Society, remaining due and unpaid after six months' notice thereof, shall be recoverable by an action at law, in their name to be brought, as for sums of money due and owing to the said society, against the parties liable therefor, their executors or administrators.

Annual meeting of the society. Choice of officers. SECT. 5. *Be it further enacted*, That the meeting of the said Episcopal Society shall be holden on Easter Monday annually, at their said house for public worship, in Newton, or such other place, and at such hour of the day, as their Wardens and Vestry may appoint; and at such annual meeting or meetings, or at some adjournment thereof, the members of the said Episcopal Society there assembled, shall choose their Wardens and Vestry, Clerk, Treasurer, and any other suitable officer or officers, for the management of the affairs of the said corporation; and the annual taxes and assessments of the said society shall and may be voted and granted, and by standing rules or otherwise, in the mode of assessing and collecting taxes, of calling and notifying meetings, and the duties and authorities of the Wardens and Vestry, and other officers of the said corporation, and the manner in which vacancies happening by death, resignation or otherwise, shall be supplied, shall and may be agreed upon and determined. [June 16, 1813.]

Chap. 62.

An ACT providing for the appointment of a Town Treasurer, and Collectors of taxes, in 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 from and after the passing of this act, the Selectmen, the Overseers of the poor, and the Board of Health of the town of Boston, shall annually, in the months of June or July, meet in convention in the town of Boston, and appoint some suitable person as Treasurer of said town, and also one or more suitable person or persons as Collectors of taxes in said town, who, when appointed as aforesaid, shall have like powers, and be subject to like duties, in the discharge and execution of their said several offices, as other town Treasurers and Collectors of taxes have and are subject to, in this Commonwealth. And the said town Treasurer and Collectors, so as aforesaid ap-

Treasurer and collectors, how appointed.

pointed, shall continue in office for one year, and until others are appointed in manner aforesaid, and qualified to execute their said offices; and a record of the appointment as aforesaid, of said town Treasurer and Collectors, shall be made by the town Clerk of the town of Boston, in the records of said town, kept by him. And the said town Treasurer and Collectors, to be appointed as aforesaid, shall be sworn to the faithful discharge of their said several trusts, and give such bonds to the said town of Boston, conditioned for the faithful execution of the duties of their said offices, as the said Selectmen, Overseers of the poor, and Board of Health, met in convention as aforesaid, shall direct, previous to their entering on the duties of their said several offices aforesaid. *Provided however,* That the said Selectmen, Overseers of the poor, and the said Board of Health, shall never reappoint any person to said office of town Treasurer, or Collector of taxes as aforesaid, until such person shall have faithfully and fully completed the execution of his duty in said office, to which he was appointed the year preceding, and a full and complete settlement of the taxes by him to have been received or collected, according to law, shall have been made, or he shall have been excused therefrom by a vote of the said town of Boston. And whenever by death, resignation, or otherwise, the said office of town Treasurer or Collector shall be vacant, the aforesaid Selectmen, Overseers of the poor, and Board of Health, shall be, as aforesaid, authorized to fill such vacancy, by a new appointment in manner aforesaid. And all laws heretofore made respecting either of the aforesaid offices of town Treasurer and Collector of taxes in the town of Boston, that are inconsistent with the provisions of this act, be, and the same hereby are repealed, from and after the fourth day of July next. [June 16, 1813.] See 1821 ch. 110.

To be sworn.

Proviso.

Vacancy, how filled.

An Act to incorporate sundry persons in Charlestown, in the county of Middlesex, by the name of The Washington Hall Association.

Chap. 63.

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 Hurd, Josiah Bartlett, David Stetson, Timothy Walker, and Benjamin Swift, with such others as have associated and purchased a lot of land, bounded thirty feet on the main street in said Charlestown, running back about one hundred and fifty feet, and are erecting a building thereon, by the name of Washington Hall, for offices, reading rooms and other purposes, be, and they are hereby incorporated for holding in fee simple, and managing the affairs of the said estate, which is divided into fifty shares. And they are authorized to use a common seal, and to establish such by-laws, relating to the said Corporation, as are not repugnant to the constitution and laws of this Commonwealth; *provided,* the annual income of said Corporation shall not exceed the sum of fifteen hundred dollars.

Persons incorporated.

SECT. 2. *Be it further enacted,* That said Joseph Hurd be authorized to call the first meeting of the said corporation, by

Authorized to call a meeting.

a written notification to each member, at least three days before the time of meeting. [June 16, 1813.]

Chap. 64.
1799 ch. 79.
(V. 2. p. 376.)
1812 ch. 133.

An ACT in addition to an Act, entitled, "An Act to incorporate certain Proprietors of Fresh Pond Meadows, in the Town of Cambridge, in the county of Middlesex, for the purpose of draining said meadows."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That upon the application of six or more of the Proprietors of Fresh Pond Meadows, to any Justice of the Peace in the said county of Middlesex, said justice is hereby authorized to issue his warrant, directed to one of said proprietors, to notify a meeting of said proprietors at such time and place, and for such purposes, as shall be expressed in said warrant; which warrant, and the notification thereon, shall be published in one of the Boston newspapers, and shall also be posted in some public place in each of the towns of Cambridge, Charlestown, and Watertown, such publication to be ten days at least before the time of meeting; and any future meeting may be called in like manner at any time, on the application as aforesaid of six or more of the said proprietors, and proceedings had as aforesaid. [June 16, 1813.]

Justice to issue warrant.

Chap. 67.

An ACT to alter and change 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, Samuel Torrey of Boston, in the county of Suffolk, son of William Torrey of Mendon, in the county of Worcester, shall be allowed to take the name of Samuel Davenport Torrey; that Joseph Smith of Salem, in the county of Essex, son of Joseph Smith of Rowley, in said county, shall be allowed to take the name of Joseph Baker Smith; that Chauncey Whittlesey Coats of Middlefield, in the county of Hampshire, shall be allowed to take the name of Chauncey Coats; that Zebedee Macomber, 2d, of Westport, in the county of Bristol, shall be allowed to take the name of Zebedee Augustus Macomber; that William Woodbury of Hallowell, in the county of Kennebeck, Printer, shall be allowed to take the name of William Augustus Woodbury; that James Bowdoin Winthrop, son of Thomas L. Winthrop, Esq. of Boston, in the county of Suffolk, a minor, shall be allowed to take the name of James Bowdoin. And the several persons before named, from the time of the passing of this act, shall be called and known by the names, which by this act they are respectively allowed to take and assume, as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [June 16, 1813.]

Names altered.

Chap. 71.

An ACT to set off the Eaton farms, so called, with the inhabitants thereof, from the First Parish of South Reading, and to annex the same to the Second 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 from and after the passing of this act, all the parts and parcels of lands, formerly belonging to the Eaton farms, so called,

Lands set off from first parish.

lying within the town of Reading, and all persons residing thereon, be, and the same are hereby set off from the first parish, or the parish in South-Reading, and annexed to the second or west parish in Reading, to all intents and purposes. [June 16, 1813.]

An ACT to incorporate The Hampden Cotton Manufacturing Company.

Chap. 74.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joel Norcross, Ward Woodbridge, Eli Goodwin, Russell Talcott, Timothy Packard, jun. Amos Norcross, John Avery, 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 Hampden Cotton Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, in the town of Monson, in the county of Hampden; and, for the purpose aforesaid, shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act, defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding three hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Jan. 20, 1814.]

May hold real and personal estate.

An ACT to incorporate William Bartlett and others, into a Company by the name of The Merrimack Insurance Company.

Chap. 82.

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 Bartlett, Jeremiah Nelson, Nicholas Pike, and others, and such persons as have already, or hereafter shall become Stockholders in said Company, being citizens of the United States, be, and they hereby are incorporated into a Company and body politic, by the name of The Merrimack Insurance Company, for and during the term of twenty years after the passing of this act, and by that name may sue, and be sued, plead and 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.

Name.

Powers.

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 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

Number of Shares.

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, may be invested in real estate.

Management
of property.

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 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 place in the town of Newburyport, as a majority of the Directors 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 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 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.

Proviso.

Election 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 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 Director, such vacancy or vacancies shall be filled for the year in which they may happen, by special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President.

By-laws,
Rules, &c.

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, estate and effects 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 and to the President, as to the said board shall seem meet :

Provided, such by-laws, rules, and regulations, shall not be repugnant to the constitution and laws of this Commonwealth. Proviso.

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 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, 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 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. Meetings of Directors.

Property insured.

Provision in case of absence or death.

SECT. 7. *Be it further enacted*, That it shall be the duty of the Directors, on the third Tuesday of April and October 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 the whole amount of the stock is paid in, each proprietor 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 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. Duty of the Directors.

Stockholders estates 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 or merchandize, or commodities whatsoever, and the capital stock of said Company after being collected at each instalment, shall, within six months after payment of each in- Investment of the funds.

stalment, 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 direction of the President and Directors of the said Company, or of other officers, which the proprietors shall for such purposes appoint.

Payment of
shares.
(1814 ch. 82.)

SECT. 9. *Be it further enacted,* That the whole of the capital stock of said company, shall be paid in, on or before the 15th day of April next, and under such penalties as the said company shall direct.

Members'
property liable
to attachment.

SECT. 10. *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, to wit: 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; 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 purchasers shall thereupon be entitled to the reception of all dividends and stocks 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.

Duty of officer
who extend the
execution.

Penalty for
subscribing po-
licy after loss.

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 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.

Shall publish
statement of
risks, &c.

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 all the newspapers printed at the time in Newburyport, the amount of their stock, against what risks they mean to insure, and the largest sums they mean to take on any one risk.

Shall exhibit
statement of
affairs.

SECT. 13. *Be it further enacted,* That the President and Directors of said company shall, when and as often as requir-

ed 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 William Bartlett and Nicholas Pike 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 newspaper 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. May call a meeting.

SECT. 15. *Be it further enacted*, That the Newburyport Marine Insurance Company, and the Merrimack Marine and Fire Insurance Company, in Newburyport, may, at any meeting duly called therefor, dissolve their respective corporations; and each of said companies may appoint a committee to collect the debts due to, and settle all demands against the said corporations, with the same powers therefor as the Presidents and Directors of said companies now have. And it shall be the duty of committees so chosen, to apportion the residue of their funds among the stockholders of said companies respectively, according to the number of shares by them holden in said corporation, and to adopt all proper measures for bringing the concerns of the said companies to a close. [Feb. 1, 1814.] May dissolve corporation.
Add. acts—1814 ch. 160. 177. (1814 ch. 177.)

An ACT to incorporate The Massachusetts File Manufacturing Company.

Chap. 83.

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 Boyden, jun. Warren Dutton, their associates, successors and assigns, be, and they hereby are made a corporation, by the name of The Massachusetts File Manufacturing Company, for the purpose of manufacturing files and other manufactures of iron and steel, at Sharon, in the county of Norfolk, and Boston, in the county of Suffolk; 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 third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." Persons incorporated.
(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed two hundred thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of thirty thousand dollars, exclusive of the buildings and improvements that may be made thereon, by the said corporation. [Feb. 3, 1814.] May hold real and personal estate.

An Act to incorporate The West-Boylston Manufacturing Company.

Chap. 84.

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 Newton, Peter Holmes, Frazier Sargent, Alpheus Smith, John Woodcock, James Smith, Aaron Morse, Persons incorporated.

Henry Sargent, Thomas Holmes, Joseph White, Elisha Mirick, and their associates, successors and assigns, be, and they hereby are made a Corporation, by the name of The West-Boylston Manufacturing Company, for the purpose of manufacturing cotton and woollen cloths and fine wire, at West-Boylston, in the county of Worcester; 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 third day of March, eighteen hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations."

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That the capital stock of said Corporation shall not exceed one hundred and forty-four thousand dollars; and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of thirty-four thousand dollars, exclusive of buildings and improvements that may be made thereon by said corporation. [*Feb. 3, 1814.*]

Chap. 85.

An Act to unite the Parishes in Fitchburgh.

BE 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 to incorporate a number of the inhabitants of the town of Fitchburgh, in the county of Worcester, into a religious society, by the name of the Calvinistic Congregational Society in Fitchburgh," passed on the fourteenth day of June in the year of our Lord one thousand eight hundred and five, be, and hereby is repealed; and the Calvinistic Congregational Society in Fitchburgh, and the First Parish in said town, shall hereafter constitute one parish: *Provided however*, That both of said parishes shall be holden, in their corporate capacity, to perform all contracts and agreements already entered into. And the Calvinistic Congregational Society in Fitchburgh shall have power, in their corporate capacity, to convey or otherwise dispose of any real or personal estate, which now belongs to said corporation. [*Feb. 3, 1814.*]

1805 ch. 2.
(V. 3. p. 602.)

Parishes
united.

Chap. 88.

An Act to incorporate The Gay Cotton Manufacturing Company in Stoughton.

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 Gay, Otis Briggs, Simeon Presbee, jun. Ephraim Stephens, Isaac Reynolds, Seth Pratt, Nathan Drake, 3d. Joseph Battles, Benjamin Battles, and John Gay, 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 Gay Cotton Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of Stoughton, in the county of Norfolk; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations."

Persons in-
corporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized, and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 4, 1814.]

May hold real and personal estate.

An ACT to incorporate The Boston Porcelain and Glass Company.

Chap. 89.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jesse Putnam, Thomas Curtis, and George Blake, with such others as already have associated, or hereafter may associate with them, their successors or assigns, be, and hereby are made a corporation, by the name of the Boston Porcelain and Glass Company, for the purpose of manufacturing earthen ware and glass of all kinds, at any place or places, within the Commonwealth, not exceeding three, 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 third day of March, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations." (1803 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred and fifty thousand dollars in value, as may be necessary and convenient for carrying on the aforesaid manufacture. [Feb. 4, 1814.]

May hold real and personal estate.

An ACT to incorporate the President, Directors, and Company of the Springfield Bank.

Chap. 90.

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 Dwight, John Hooker, George Bliss, James Byers, James S. Dwight, Justin Ely, Jonathan Dwight, jun. Moses Bliss, jun. Edward Pyncheon, and Oliver B. Morris, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the Springfield Bank, and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; 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 place whatever; and also to make, have, and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs: *Provided* such by 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.

Persons incorporated.

Time incorporated for.

Proviso.

(Capital altered—
1814 ch. 60.
1815 ch. 110.
1817 ch. 55.)
(Time enlarged—
1814 ch. 1.
1815 ch. 110.
1817 ch. 115.)

SECT. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, to be paid in four equal instalments: the first, on the first day of June next; the second, on the first day of December next; the third, on the first day of June next after; and the fourth, on the first day of December next after. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof; which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns. 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 thirty thousand dollars, and no more at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper: *Provided however,* That nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further,* That no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Proviso.

(1811 ch. 84.)

Proviso.

Debts not to exceed fifty per cent.

SECT. 3. *Be it further enacted,* That the rules, limitations, and provisions, which are provided in and by the third section of an Act, entitled, "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established: *Provided,* That the bond required to be given by the Cashier shall be given in the penalty of twenty thousand dollars; that the number of Directors to be annually chosen shall be five, and three may constitute a quorum for the transaction of business. *And provided also,* That the amount of debts, at any one time due from said bank, shall not exceed fifty per centum beyond their capital stock actually paid in.

SECT. 4. *Be it further enacted,* That the said Bank shall be established and kept in the town of Springfield, in the county of Hampden.

Shall loan to the Commonwealth.

(1814 ch. 60.)

Proviso.

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, that may be required, not exceeding twenty thousand dollars at any one time, reimbursable by 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 the said corporation, without their consent, for a larger sum than thirty thousand dollars.

SECT. 6. *Be it further enacted,* That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided, the incorporation shall thereupon be declared forfeited and void.

Legislative committee may examine books, &c.

SECT. 7. *Be it further enacted,* That the persons herein before named, or a majority 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 three weeks successively, in the Hampden Federalist, printed at Springfield,) for the purpose of making, ordaining and establishing such by-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.

May call a meeting.

SECT. 8. *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, 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 debts due the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver and copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors and attested by the Cashier, and shall be verified by oath, before some person competent to administer the same.

Shall transmit statement of accounts.

SECT. 9. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions, as shall be by the Legislature made and established, as to the management thereof.

Commonwealth may subscribe.

SECT. 10. *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.

Shall pay altered notes.

SECT. 11. *Be it further enacted,* That the said corporation from and after the first day of June next, shall pay, by way of a tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in; *provided however,* That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks that are now, or shall be hereafter incorporated within this

Shall pay tax to the Treasurer.

Proviso.

Commonwealth: And *provided further*, That nothing herein contained shall be construed to impair the rights of the Legislature, to lay a tax or excise on any bank already incorporated under the authority of this Commonwealth, whenever they may think proper so to do.

Amount to be appropriated to loans.

SECT. 12. *Be it further enacted*, That one tenth 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 and manufacturing interest; which loans shall be made in sums not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower with collateral security, by a mortgage of real estate, to the satisfaction of the directors of the said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and rights of redemption, as are by law provided in other cases. [Feb. 4, 1814.]
Add. acts—1814 ch. 1. 60: 1815 ch. 110: 1817 ch. 54. 115.

Security.

Chap. 91.

AN ACT to establish The Dedham Manufacturing 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 Samuel Dexter, David S. Greenough, Aaron Davis, Charles Davis, John Grew, James Richardson, and John Guild, together with such other persons as may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Dedham Manufacturing Company, for the purpose of manufacturing wool, cotton and iron, in the town of Dedham, 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 in the year of our Lord, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

May hold real and personal estate.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of four hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of wool, cotton and iron, in the town of Dedham aforesaid. [Feb. 4, 1814.]

Chap. 95.

1786 ch. 34.
(V. 1. p. 139.)

Name of the town altered.

AN ACT to alter the name of the Town of Gerry, in the county of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the town of Gerry, in the county of Worcester, be, and the same hereby is altered to the name of Phillipston; and that said town shall henceforth be known and called by the said last mentioned name, any thing in the Act whereby the said town was incorporated notwithstanding. [Feb. 5, 1814.]

Chap. 98.

1795 ch. 71.
1798 ch. 14.

AN ACT, in addition to the several Laws now in force, to preserve and regulate the taking of Shell Fish in the Town of Wellfleet, in the county of Barnstable.

SECT. 1. *BE it enacted by the Senate and House of Represen-*

tatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, no fisherman or other person, not an inhabitant of said town, shall take or carry away, at any one time, more than one bushel of clams or quahogs, including their shells, without a permit first obtained from the selectmen in writing, expressing the name of the person and the quantity permitted to be taken; and every person so offending shall forfeit and pay, for every bushel so taken, the sum of one dollar, any thing in the Act to which this is in addition to the contrary notwithstanding: Provided nevertheless, That the selectmen, or the major part of them for the time being, shall have power to give permits in writing to any person, to take clams and quahogs in said town of Wellfleet, at such times and in such quantities as they may think reasonable, and express in their permits: Provided also, That any inhabitant of said town of Wellfleet, without such permit, shall have a right to take shell fish for the use of his family.

Shall not take fish without a permit.

Proviso.

SECT. 2. *Be it further enacted, That all fines and forfeitures, which may be incurred by force and virtue of this Act, shall enure, one half to him or them who may sue for the same, and the other half to the said town of Wellfleet; and the same shall be recovered, with legal costs of suit in an action of debt, before any justice of the peace for the county of Barnstable not interested therein.*

Fines and forfeitures.

SECT. 3. *Be it further enacted, That nothing in this Act shall be so construed, as to prevent the inhabitants of the town of Eastham from taking any quantity of shell fish, at any time, in the same way and manner as though this Act had never been made. [Feb. 10, 1814.]*

May take fish for their own use.

An Act to establish The Second Pembroke Woollen and Cotton Factory Company.

Chap. 99,

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 Cushing, Charles Josselyn, Nathaniel Soper, Joseph Torrey, Charles Cushing, and Cornelius Cobb, with such persons as already have, or hereafter may associate with them, their successors and assigns, shall be, and hereby are made a corporation, by the name of The Second Pembroke Woollen and Cotton Factory Company, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of Pembroke, with the business necessarily connected therewith; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."*

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted, That said corporation may be lawfully seized and possessed of real estate, not exceeding thirty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 10, 1814.]*

May hold real or personal estate.

Chap. 103. An ACT in further addition to the several Acts for incorporating certain persons for the purpose of building a Bridge over Merrimack river, in the county of Essex, and for supporting the same.

1791 ch. 35.
(V. 1. p. 336.)
1792 ch. 3. 35.
(V. 1 p. 370.
403.)

1795 ch. 49.
1808 ch. 33.

Empowered
to alter
leaves.

Rates of toll.

Proviso.

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 be lawful for the proprietors of Essex Merrimack Bridge, and they are hereby empowered to make the leaves of the draw of said bridge not less than eighteen feet long, instead of thirty feet as heretofore provided.

SECT. 2. *Be it further enacted,* That the toll of each wagon, cart, or other carriage of burthen, drawn by four beasts, passing said bridge, shall be twenty-five cents, any thing in the act or acts to which this is in addition to the contrary notwithstanding: *Provided however,* that all carts, waggons, or other carriages of burthen, employed in transporting country produce going to or from the market, shall pay no more toll than they are now liable by law to pay. [*Feb. 10, 1814.*]

Chap. 104. An ACT to incorporate The Religious Charitable Society in the county of Worcester.

Preamble.

WHEREAS Samuel Austin and others have been associated, under the name of The Religious Charitable Society in the county of Worcester, for the purpose of aiding indigent young men of piety and talents to procure an education for the gospel ministry, of contributing to the funds of the American Board of Commissioners for Foreign Missions, and of assisting feeble churches and societies to maintain among them the preaching and institutions of the gospel: Therefore,

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. Samuel Austin, D.D. of Worcester, the Rev. John Crane, D.D. of Northbridge, Col. Andrew Peters of Westborough, Nahum Fay, Esq. of Northborough, the Rev. Edmund Mills of Sutton, Rev. Joseph Goff of Milbury, Rev. David Holman of Douglas, the Rev. Samuel Judson of Uxbridge, Aaron Peirce, Esq. of Milbury, and James Easterbrooks, Esq. of Holden, and their associates, be, and they hereby are incorporated and made a body politic, by the name of The Religious Charitable Society in the county of Worcester, for the purposes stated in the preamble of this act; and by that name the said corporation may sue and be sued, plead and be impleaded, and may appear, defend, and prosecute to final judgment and execution; and in their said corporate capacity, they and their successors forever may take, purchase, receive, have and hold, in fee simple or otherwise, lands, tenements, and hereditaments, by gift, grant, devise, or otherwise, not exceeding the yearly value of four thousand dollars; and may also take and hold by donation, bequest, or otherwise, personal estate to an amount, the annual income of which shall not exceed six thousand dollars: *Provided* the income of said Corporation shall be faithfully appropriated to the purposes aforesaid. And said corporation may have a common seal, which they may alter or renew at

Powers.

Proviso.

pleasure; and may sell, exchange, or lease their lands, tenements, or other property, for the benefit of their funds.

SECT. 2. *Be it further enacted*, That said corporation may annually choose, from among themselves, by ballot, a President, Vice President, Secretary, Treasurer, Auditor, a Board of Directors, and such other officers, as experience may prove to be useful. The Board of Directors shall consist of nine members, to which board the President, Vice President, Secretary and Treasurer shall belong, by virtue of their office, and any five of said board shall constitute a quorum for doing business. The said treasurer shall give bond, with sufficient sureties, to be approved by said board, for the faithful discharge of the duties of his office. Empowered to elect officers.

SECT. 3. *Be it further enacted*, That there shall be an annual meeting of said corporation, at which the officers shall be chosen, the accounts of the treasurer exhibited, and such other business transacted, as may properly come before said meeting. The first annual meeting shall be on the third Wednesday of September next, at such place as the said Samuel Austin, John Crane, and Andrew Peters, or any two of them, shall appoint, by causing a notification thereof to be published in the Massachusetts Spy, printed at Worcester, at least ten days before said meeting. Meetings of corporation.

SECT. 4. *Be it further enacted*, That said Corporation shall have power to make such by-laws and regulations, for calling meetings of the corporation and of the Board of Directors, appointing the duties of officers, fixing the terms of the admission of members, and transacting the business of said corporation generally: *Provided*, That said by-laws shall not be repugnant to the laws and constitution of this Commonwealth. By-laws, Rules, &c.

SECT. 5. *Be it further enacted*, That all contracts and deeds, which the said corporation may lawfully make and execute, signed by the President, countersigned by the Secretary, and sealed with the common seal of said corporation, shall be valid in law to all intents and purposes. Contracts and deeds.

SECT. 6. *Be it further enacted*, That the Legislature of this Commonwealth shall, at any time, have the right to inspect the doings and funds of said corporation, and may, at their pleasure, alter or annul any or all of the powers herein granted. [Feb. 10, 1814.] Legislature may inspect doings.

An ACT in addition to an act, entitled "An Act for incorporating the North Precinct of the town of Braintree, in the county of Suffolk, into a separate town, by the name of Quincy, and for annexing sundry inhabitants of the town of Dorchester, with their estates, to the said town of Quincy." Chap. 105,
1791 ch. 36.
(V. 1 p. 339.)

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 Wadsworth Glover, with his estate, lying on the southerly side of Neponset river, and within the limits of that part of the town of Dorchester called Squantum, and the Farms, be, and he is set off from the town of Dorchester and annexed to the town of Quincy.

Persons set off
from the town
of Dorchester.

SECT. 7. *Be it further enacted*, That all that tract of land, lying on the southerly side of Neponset river, and within the old line of the town of Dorchester, known by the name of Horse Hommock, containing about eight acres, and bounded northerly and westerly on land or marsh lately of Ebenezer Glover, deceased; southerly and easterly, partly on land late of Josiah Glover, deceased, and partly on land of Moses and Oliver Billings, and of Capt. Oliver Billings, together with all the inhabitants residing thereon, be, and they are hereby set off from the said town of Dorchester and annexed to the town of Quincy, and shall forever hereafter be considered as belonging to the said town of Quincy.

Included in
town of Dor-
chester.

SECT. 3. *Be it further enacted*, That a tract of land called Bayfield, containing about seventeen acres, bounded westerly on the road leading to Squantum, northerly on land of Benjamin Wadsworth Glover, easterly on the sea, and southerly on land of John Billings: also a tract of land called the further pasture, containing about fourteen acres, bounded southerly on land of Ezra Glover, westerly on land of Caleb Faxon, northerly and easterly on land of Oliver Billings; also a tract of land containing about two acres, bounded westerly on a road leading to Billings' rocks, northerly, easterly and southerly on land of John Billings, lying on the southerly side of Neponset river, and within the limits of that part of the town of Dorchester, called Squantum and the Farms, being that part of the estate of Thomas Glover, late of Dorchester, deceased, which was purchased by, and is now in the possession of Moses Billings and Oliver Billings, jun. be, and the same are hereby considered as still annexed to the said town of Dorchester. [Feb. 10, 1814.]

Chap. 107.

An ACT to incorporate The Lynn Wire Manufacturing Company.

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 David Pratt, Ephraim Weston, John Hart, Jonathan Temple, Phineas Coburn, Ephraim Weston, jun. and such persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Lynn Wire Manufacturing Company, for the purpose of manufacturing wire and wire work, wood screws and cards, and also cotton and woollen cloth and yarn, in all their respective kinds and branches, in the town Lynn, in the county of Essex; and for these purposes shall have all the powers and privileges, and shall be subject to all the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

(1803 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That said corporation may take and hold real estate, not exceeding the value of thirty thousand dollars, and personal estate, not exceeding the value of sixty thousand dollars, for the purpose of establishing and carrying on the manufactures aforesaid. [Feb. 10, 1814.]

An ACT to establish the Adams North Village Cotton Factory.

Chap. 109.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Whitman, Douglas W. Sloane, Daniel Noble, James Cumming, Anthony Edwards, Josiah Quincy Robinson, Jeremiah Colegroo, Moses Wolcott, Benjamin Lapham, George Lapham, Giles Tinker, Edward Richmond, Richard Knight, Luther Bartlett, Daniel Reed and Marshal Jones, and such 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 North Village Cotton Factory, for the purpose of manufacturing cotton yarn and cloth, in the town of Adams, in the county of Berkshire; 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 third of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

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 sixty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 10, 1814.]

May hold real and personal estate.

An ACT to establish the Matfield Manufacturing Company.

Chap. 110.

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 Dyer, Daniel Perry, Jonathan Stetson, Oaks Tirrell, Isaac Tirrell, jun. William Vinton, Abisha Stetson, Benjamin Bates, David F. Reynolds, Eleazer Keith, and Allen Whitman, together with 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 Matfield Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in Bridgewater, in the county of Plymouth; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

Persons incorporated.

SECT. 2. *Be it further enacted,* That the said corporation may lawfully be seized of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the said manufactory. [Feb. 10, 1814.]

May hold real and personal estate.

An ACT to incorporate the Pembroke Cotton and Woollen Manufactory.

Chap. 111.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bailey Hall, Isaac Hatch, William Loring, jun. Samuel P. Barker, with such persons as already have, or hereafter may associate with them, their successors and assigns, shall be, and

Persons incorporated

hereby are made a corporation by the name of the Pembroke Cotton and Wool Manufactory, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of Pembroke, with the business necessarily connected therewith; and for such purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations."

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of real estate, not exceeding thirty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 10, 1814.]

May hold real and personal estate.

Chap. 115. An Act in addition to an Act, entitled "An Act to prevent the destruction, and to regulate the catching of the fish called Alewives, in their passage up the rivers and streams in the town of Harwich, in the county of Barnstable," passed the fourth day of July, 1787; and also of another Act, in addition thereto, passed the sixteenth day of June, 1813.

1787 ch. 10.
(V. 1. p. 166.)
1813 ch. 57.

Act extended to other town.

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 the fourth day of July, seventeen hundred and eighty-seven, entitled "An Act to prevent the destruction of the fish called Alewives, in their passage up the rivers and streams in the town of Harwich, in the county of Barnstable," and also of another Act, in addition thereto, passed the sixteenth day of June, eighteen hundred and thirteen, be, and both the said Acts are extended to operate, and shall have effect over all the streams in the town of Brewster; and all the regulations, provisions, privileges, limitations, and restrictions, contained in the said Act to which this is in addition, so far as they may be applicable to the intents and purposes of this Act, shall be used and exercised, and the benefits thereof enjoyed, by the inhabitants of the said town of Brewster, as fully and completely, as if the said town of Brewster had not been separated from the said town of Harwich; and this Act shall be deemed and taken to be supplementary to the said Act before mentioned. [Feb. 12, 1814.]

Chap. 117.

An Act to incorporate the Linum Spinner Company.

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 Sylvanus Baldwin, Elisha Town, Charles Bulkeley, Isaac P. Davis, Samuel Spear, Nathaniel Perry, and Ethan A. Greenwood, proprietors of the new improvement for spinning flax and hemp, and other articles, to which it may be adapted, called the Linum Spinner, invented by said Baldwin and Town, and secured to them, their heirs, executors, administrators, and assigns, by letters patent, together with such other persons who have already, or may hereafter associate with them, their successors and assigns, shall be, and hereby are created a corporation, by the name of the Linum Spinner Company, for the purpose of spinning and manufacturing flax, hemp, and other articles, to which it may be adapted; and for manufacturing and vending the machinery of said improvements; and for sell-

ing to others the right to make, use, and vend said machines, with the privileges of said patent, and any other patent which may be obtained for any further improvements that are, or may be made in said Linum Spinner, and the machinery connected therewith: and by that name, and for these purposes, 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 whatsoever; and shall have all the powers and privileges, and be subject to all the duties and requirements of an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, one thousand eight hundred and nine.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation, for the purposes aforesaid, may lawfully hold and possess real estate, at any place or places within this Commonwealth, not exceeding three, to the value of fifty thousand dollars, and personal estate, to the amount of one hundred and fifty thousand dollars.

May hold real and personal estate.

SECT. 3. *Be it further enacted,* That Ethan A. Greenwood, herein before mentioned, is hereby authorized to call the first meeting of said corporation, at such time and place, within the town of Boston, as he may deem most convenient, by giving each proprietor personal notice thereof in writing. [Feb. 12, 1814.]

May call a meeting.

An ACT in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Marblehead Bank."

Chap. 121.
1812 ch. 42.

WHEREAS by the Act to incorporate the President, Directors and Company of the Marblehead Bank, passed June twenty-third, in the year of our Lord eighteen hundred and twelve, it is enacted and provided that the capital stock of said bank shall consist of one hundred and twenty thousand dollars, being an addition of twenty thousand dollars to the capital of said bank, granted to the same stockholders according to their former incorporation; and such addition is found to be unnecessary and inconvenient: 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 capital stock of the bank last incorporated by the name of the President, Directors and Company of the Marblehead Bank, may consist of the sum of one hundred thousand dollars, and no more, any thing in the said Act of incorporation notwithstanding: and the reduction so permitted of their present capital stock, shall and may be effected in such manner as shall be voted and agreed upon at a meeting of the said corporation, which shall be legally notified and holden for that purpose: *Provided,* that no stockholder shall be compelled to reduce any part of his subscription or shares in the said bank, but the reduction of the said stock shall be by the voluntary act of any corporation or individual, now holding shares in the said bank, who may consent to withdraw the amount of their subscription or subscriptions, or any part thereof by them respectively made and deposited in the said bank.

Capital stock.

Proviso.

And whereas by the said Act of incorporation it is further enacted and provided, that the said bank may take, receive and hold by assignment, all such mortgages as were then holden by the then existing bank in the said town of Marblehead, and which might be assigned and taken by agreement, between the two corporations, and the effect of such agreement, as a transfer of real estate may be considered doubtful—Therefore,

SECT. 2. *Be it further enacted,* That the mortgages of real estate holden by the said bank under the said former incorporation, and which by the consent of the stockholders therein have been delivered over and made payable by their votes or other agreements to the said existing corporations, shall be considered as vested in them to all intents and purposes, as if the said former incorporation had been renewed and continued by an extension of the term of years for which the same was originally granted.

SECT. 3. *Be it further enacted,* That the message now and heretofore owned and occupied by the said former incorporation and by the said President, Directors and Company of the Marblehead Bank since their last incorporation, be, and the same is hereby vested in them to all intents and purposes, by virtue of their said incorporation, and pursuant to the votes and consent of the said former incorporation to that purpose. [*Feb. 14, 1814.*]

Mortgages of
real estate.

Message.

Chap. 123.

An Act to incorporate the Mansfield Cotton Manufacturing 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 Laban Wheaton, Daniel Wheaton, David Gilbert, Roland Green, Samuel Druce, Solomon Pratt, Asa Day, and Abisha Fisher, 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 Mansfield Cotton Manufacturing Company, for the purpose of manufacturing cotton, at Mansfield, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, entitled “An Act defining the general powers and duties of manufacturing corporations,” passed on the third day of March, in the year of our Lord eighteen hundred and nine.

SECT. 2. *Be it further enacted,* That the said company 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 same manufacture as aforesaid. [*Feb. 16, 1814.*]

Persons incor-
porated.

(1803 ch. 65.)

May hold real
and personal
estate.

Chap. 124.

An Act establishing the Bellingham Woollen and 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 Samuel Penniman, Samuel L. Scammell, Luther Warfield, Abel Albee, Eli Warren, Seth Hastings, Benjamin Davenport, Amasa Holbrook, Simeon Holbrook, Tyler Daniels, and Amos

Persons incor-
porated.

Hill, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of the Bellingham Woollen and Cotton Manufactory, for the purpose of manufacturing woollen and cotton yarn and cloth, within the town of Bellingham; and for such purposes, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an Act, entitled “An Act defining the general powers and duties of manufacturing corporations.” (1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid. [Feb. 16, 1814.] May hold real and personal estate.

An ACT in addition to an Act, entitled “An Act in addition to an Act, entitled An Act to incorporate the Trustees of Phillips’ Academy in Andover.” Chap. 125. 1807 ch. 22.

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 Phillips’ Academy be, and they are hereby empowered to receive, purchase and hold, by gift, grant, devise, or otherwise, for the further endowment of a theological institution, or department, and in furtherance of the design of the pious founders and benefactors of said academy, personal estate, the annual income whereof shall not exceed twenty thousand dollars, in addition to what they are now allowed by law to hold: *Provided*, the income of said estate to be always applied to the objects agreeably to the will of the donors: *Provided also*, that this Act shall not entitle said trustees to recover or receive any bequests or donations heretofore made, unless they were authorized to receive and hold the same before the passing of this Act: *Provided*, that no student belonging to the said institution, sustaining a fair moral character, shall be deprived of any privileges of said institution, or be subjected to the forfeiture of any aid, which has been granted by said institution, for the purpose of enabling him to prosecute his studies, or be denied the usual testimonial on closing his studies, on the ground that his interpretations of the scriptures differ from those which are contained, or may hereafter be contained in the articles of faith adopted by said institution. [Feb. 16, 1814.] Empowered to hold personal estate. Proviso. Proviso.

An ACT to incorporate the Plympton Wool Manufacturing Company. Chap. 126.

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 Sturtevant, Zabdiel Sampson, Benjamin Ellis, Joseph Cooper, John Sampson, Alvan Sampson, Nathaniel Ripley, and William P. Ripley, with such other persons as have already associated, or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Plympton Wool Manufacturing Company, for the purpose of manufacturing woollen cloths, in the town of Plympton: and for that purpose shall have all the powers and privileges, and be subject to all the duties and require- Persons incorporated.

ments contained in an Act made and passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations."

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 the said manufactory; and also of as large a 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 one hundred thousand dollars. [*Feb. 17, 1814.*]

(1808 ch. 65.)
May hold real and personal estate.

Proviso.

Chap. 127.

An Act to incorporate The Walomopogge Manufacturing 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 Lewis Whiting, Hervey Whiting, Amos Cobb, and William Dupee, 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 Walomopogge Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn in the town of Wrentham, in the county of Norfolk: and for the purposes aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations." passed the third day of March, one thousand eight hundred and nine.

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 one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [*Feb. 17, 1814.*]

Persons incorporated.

(1808 ch. 65.)

May hold real and personal estate.

Chap. 128.

An Act to incorporate The Swanzey Union Manufacturing 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 Mason, John Mason, William Bowers, William Major, John Winslow, William Slade, Stephen Slade, Richard Chase, Caleb Easterbrooks, Artemas Stebens, Benanuel Marvel, Anthony Kingsley, Anthony Gardner, Rufus C. Smith, Robert Gibbs, jun. Obadiah Peirce, James L. Hodges, Caleb Millar, and Darius Chase, together with 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 Swanzey Union Manufacturing Company, for the purpose of manufacturing cotton yarns and cloth at Swanzey, in the county of Bristol: 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cotton aforesaid. [Feb. 17, 1814.]

May hold real and personal estate.

An ACT to set off the northeastwardly part of Hadley, and annex the same to Amherst.

Chap. 129.

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 the inhabitants thereon, lying and being in Hadley, described within the following limits and bounds, not already annexed to Amherst, be, and the same are hereby set off from Hadley, and annexed to Amherst: that is to say, beginning at the southwest corner of David Smith's land, being the northwest corner of Noah Smith's land, lying in the town of Amherst, on the east line of Hadley; thence running west, to the west end of the first division of lands in Hadley, to a town-way; thence northwardly, on the west line of said division, as far as the same extends; and thence, on the same course, to the south line of Sunderland; thence east, on the south line of Sunderland, to the original northeast corner of Amherst; thence southwardly, on the original line between Amherst and Hadley, to the first mentioned corner.

Lands set off from town of Hadley.

Boundaries described.

SECT. 2. *Be it further enacted*, That the respective valuations of the towns of Hadley and Amherst be so altered, in consideration of the above, that the sum of one cent, in the proportion of one thousand dollars, be taken from Hadley and put to Amherst; and that all taxes already granted or assessed by the town of Hadley, on the polls and estates hereby set off, be collected in the same manner as though this Act had not been passed. [Feb. 17, 1814.]

Valuation altered.

An ACT to incorporate The Protestant Episcopal Society of Christ's Church, in Quincy.

Chap. 132.

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 wardens and other proprietors of Christ's Church, in Quincy, whether residing in said Quincy, or in towns adjacent, and their successors, together with their polls and estates, be, and are hereby incorporated into a society or body politic, under the name of The Protestant Episcopal Society of Christ's Church in Quincy; and that the building called Christ's Church, together with the yard thereof, and the house and land heretofore purchased by said society as a Glebe, and situated in Quincy aforesaid, are hereby vested in said corporation, together with the power of holding other real estate, to the annual value of five hundred dollars.

Society incorporated.

SECT. 2. *Be it further enacted*, That the said society are hereby empowered to assess and collect of the members belonging to the same, for the purpose of maintaining the worship of God, for repairing their church, and for the preservation of their glebe and estate, from time to time, such monies as may

Taxes.

be necessary for those purposes; and they are hereby vested with all such powers, privileges, and immunities, as Congregational Societies do or may enjoy by the laws of this Commonwealth.

Method of becoming a member.

SECT. 3. *Be it further enacted*, That if any person may incline to join said society, by signifying such his desire, in writing, to the clerk of the town, to which he may belong, and by notifying thereof the clerk of said society, he, together with his polls and estate, shall be considered to belong to said Episcopal Society, in the same manner as if incorporated by name in this Act. And whenever any person belonging to said society shall incline to withdraw therefrom, by signifying such his desire, in writing, to the clerk of said Episcopal Society, and by notifying thereof the clerk of the town in which he resides, he, with his polls and estate, shall be discharged from said Episcopal Society: *Provided however*, That in either case, such person shall be liable to pay his proportion of all assessments previously made upon the inhabitants of the town in which he resides, or upon the members of said Episcopal Society, as the case may be.

Manner of leaving.

Proviso.

Meetings of corporation.

SECT. 4. *Be it further enacted*, That the members of said corporation may meet annually, on Easter Monday, and at any adjournment of that meeting, and shall appoint two or more church wardens, a treasurer, and a clerk, and such other officers as they may think necessary for the management of their concerns, to continue until others shall be chosen in their place: and at such meetings may establish suitable by-laws, and determine in what manner their annual and other meetings may be notified and convened; and the wardens so chosen may appoint special meetings for transacting the affairs of the church, in such manner as may be directed by the by-laws so to be made: And the first meeting of said Episcopal Society shall be on Easter Monday, the eleventh day of April next. [Feb. 18, 1814.]

By-laws, Rules, &c.

Chap. 133.

An Act to incorporate The Northborough Manufacturing Company.

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 George Slocum, jun. Isaac Davis, Silas Gates, Phineas Davis, Asaph Rice, Benjamin Rice, Caleb Witherbee, Joseph Davis, Joseph Howe, and their associates, together with all those who have already, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Northborough Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn in the town of Northborough, in the county of Worcester; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an Act, entitled, "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation

may lawfully hold and possess real estate, not to exceed the value of one hundred thousand dollars, and personal estate, not exceeding two hundred thousand dollars, as may become necessary and convenient for establishing and carrying the manufactory aforesaid. [Feb. 18, 1814.]

May hold real and personal estate.

An ACT to incorporate The Manufacturers and Mechanics Bank.

Chap. 134.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That George Sullivan, John Bellows, William Appleton, Winslow Lewis, William Cochran, Thomas B. Wales, Seth Knowles, Ezra A. Bourne, their associates, and those who they may hereafter associate with them, their successors and assigns, shall be, and hereby are created a corporation, by the name of The Manufacturers and Mechanics Bank; and shall so continue from the fifth day of April next, until the first Monday in October, which shall be in the year of our Lord one thousand eight hundred and thirty-one, 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 to break again at pleasure, 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 the prudent management of their affairs: *Provided* such by-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.

Persons incorporated.

Time incorporated for.

Proviso.

SECT. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of a sum not exceeding fifteen hundred thousand dollars, in gold and silver, besides such part as this Commonwealth shall subscribe, in manner herein after mentioned; divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the fifteenth day of April next; one other fourth part on or before the fifteenth day of July next, and the residue at such time within two years from the passing of this act, as the stockholders at any meeting called for that purpose shall direct. And the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they otherwise determine; 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 one hundred thousand dollars, and no more at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discount-

(1815 ch. 68.)

Amount of capital stock and of each share.

May hold real estate and amount.

Proviso.

ing 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 in mortgage or on executions, to any amount, as security for or in payment of any debts due to the said corporation: *And provided further*, That no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to three hundred and seventy-five thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine and count the monies paid and actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or some of them, that said capital hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

Governor to appoint Commissioners, and duty of.

Bank, where established.

SECT. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Boston; and this corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, and privileges and immunities, which are contained in an act, entitled "An Act to incorporate the President, Directors and Company of the State Bank;" except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted.

(1811 ch. 34.)

Amount appropriated for Mechanics and Manufacturers.

SECT. 4. *Be it further enacted*, That one third part of the capital stock of said bank shall be reserved for the subscription of Mechanics and Manufacturers, and proof thereof shall be made to the commissioners to be appointed in pursuance of the second section of this act, who shall certify the same to the Governor.

Shall loan to the Commonwealth.

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 which may be required, not exceeding ten per centum of the capital stock, then actually paid in at any one time; reimbursable by 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 stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of the capital stock then paid in.

Proviso.

Legislative committee may examine books, &c.

SECT. 6. *Be it further enacted*, That any committee especially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing

of said corporation thereon, be determined by the Legislature, that said corporation have exceeded their powers, or failed to comply with any of the rules, restrictions and conditions by law provided, their incorporation shall thereupon be declared forfeited and void.

SECT. 7. *Be it further enacted*, That the persons herein before named, or any three of them, are authorised 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 to appoint, by advertising the same in any two newspapers printed in the town of Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose. May call a meeting.

SECT. 8. *Be it further enacted*, That the Commonwealth shall have a right whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding five hundred thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established. Commonwealth may subscribe. (1815 ch. 68.)

SECT. 9. *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. Shall pay altered notes.

SECT. 10. *Be it further enacted*, That the said corporation shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in : *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks incorporated within this Commonwealth. Shall pay tax to the Treasurer. Proviso.

SECT. 11. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said bank, in proportion as the sums paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter they shall judge fit to exercise that right. [*Feb. 18, 1814.*] Add. act—1815 ch. 68. Legislature may appoint Directors.

An Act to incorporate The Neponset Cotton Factory Company.

Chap. 135.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Virgil Maxey, David Hoffman, Dennis A. Smith, Thomas*

Persons incor-
porated.

Stanley, and John Stanley, and others who have already associated, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation by the name of the Neponset Cotton Factory Company, for the purpose of manufacturing cotton goods at Walpole, 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations."

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed 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 aforesaid, in the town of Walpole aforesaid. [Feb. 18, 1814.]

Chap. 137.

An Act to establish the Plymouth Woollen and Cotton Factory 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 Barnabas Hedge, jun. Joseph Bartlett, 3d. Zachæus Bartlett, Samuel Torry, William Osborn, and Jesse Inglee, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Plymouth Woollen and Cotton Factory, for the purpose of manufacturing wool, cotton and linen yarn and cloth, in Plymouth; and shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

Persons incor-
porated.

(1808 ch. 65.)

May hold real
and personal
estate.

SECT. 2. *Be it further enacted*, That said corporation, in their corporate capacity, shall and may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on said manufacture, in their various branches, as aforesaid. [Feb. 18, 1814.]

Chap. 138.

An Act to incorporate 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 Lemuel Pomeroy, Joseph Merrick, Ebenezer Center, Samuel D. Colt, David Campbell, David Campbell, jun. Thomas B. Strong, James Buel, and Arthur Scholfield, 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

Persons incor-
porated.

requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

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 one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of woollen and cotton in the said town of Pittsfield. [Feb. 18, 1814.] May hold real and personal estate.

An Act to provide for the safe keeping of Gunpowder, in the town of Charlestown. Chap. 139.

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, no person or persons, (not on military duty,) shall keep, have, or possess in any store, barn, house or other building, or in or upon any place or thing whatever within the town of Charlestown, except in a public powder house in said town, gunpowder in any quantity exceeding five pounds, in any way or manner otherwise than as by this Act is permitted: *Provided nevertheless*, that nothing in this Act shall be construed to operate as a prohibition to the transporting of gunpowder through the town of Charlestown aforesaid, to or from the public magazines in said town, from or into any part of this Commonwealth. Powder, where kept. Proviso.

SECT. 2. *Be it further enacted*, That no merchant or private armed vessel, on board of which gunpowder shall be laden in quantity exceeding twenty-five pounds, shall lay within two hundred yards of any wharf within said town.

SECT. 3. *Be it further enacted*, That all gunpowder found within the said town of Charlestown, contrary to the provisions of this Act, shall be forfeited and may be seized by one or more of the fire-wards of said town; and it shall be the duty of such fire-ward or fire-wards, within twenty days after such seizure, to file a libel in the clerk's office of the Circuit Court of Common Pleas, for the Middle Circuit, in the county of Middlesex, stating the cause of such seizure, and praying for a decree of forfeiture; and the judges of said court shall have power to hear and determine the cause by a jury where there is a claimant; but without a jury, if upon proclamation made no claimant appear, and to decree the forfeiture and disposition of such property according to law, and may decree a sale and distribution of the proceeds, deducting charges; and if such libel be not supported, restitution of the property shall be decreed without cost; but if a claimant appear, and disputes the forfeiture, and said gunpowder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution which may have legally arisen thereon. Duty of fire-wards.

SECT. 4. *Be it further enacted*, That all such gunpowder so forfeited, 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 Charlestown; *Provided always*, that

Quantity allowed to be kept.

Proviso.

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 gunpowder, not exceeding twenty-five pounds in the whole: *Provided*, the same be constantly kept in copper, brass or tin cannisters, closely covered with copper, brass, or tin, and not otherwise.

SECT. 5. *Be it further enacted*, That if any gunpowder shall be found in the town of Charlestown aforesaid, contrary to the provisions of this Act, the owner or owners of the same, or other person or persons in whose possession it shall be found, besides the forfeiture aforesaid, shall forfeit and pay forty cents for every pound of such gunpowder, one moiety thereof to the use of the poor of said town of Charlestown, and the other moiety to the use of him or them, who shall sue for the same; which forfeiture of forty cents may be recovered by action of the case, in any court proper to try the same.

Penalty for breach of act.

SECT. 6. *Be it further enacted*, That it shall and may be lawful for any one or more of the firewards of said town of Charlestown, to enter any building or other place in said town of Charlestown, in the day time, to search for gunpowder which they may have reason to suppose to be concealed, or kept contrary to the provisions of this Act, having first obtained a search warrant therefor according to law. [*Feb. 18, 1814.*]

Firewards may enter buildings.

Chap. 141.
1796 ch. 24.
(V. 2. p. 94.)

An Act regulating the toll allowed to the proprietors of Connecticut River 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 an Act, entitled "An Act for incorporating certain persons for the purpose of building a bridge over Connecticut river, in the county of Hampshire, and for supporting the same," passed June eighteenth, in the year one thousand seven hundred and ninety-six, be, and the same is hereby repealed.

SECT. 2. *Be it further enacted*, That a toll be, and hereby is granted to the proprietors of Connecticut river bridge, to reimburse them for their expenses in building said bridge, and for supporting the same, according to the following rates, viz.: for each foot passenger, three cents; for each horse and rider, eight cents; for each horse and chaise, chair, sulkey, or waggon, drawn by one horse, sixteen cents; for each coach, chariot, phaeton, or other four wheel carriage for passengers, thirty-three cents; for each curricle, twenty-five cents; for each sleigh for passengers, drawn by one horse, twelve and a half cents; if drawn by more than one horse, sixteen cents; for each cart, waggon, sleigh, or other carriage of burthen, drawn by one beast, twelve and a half cents; and for every additional beast, four cents; for horses or neat cattle, exclusive of those rode on, or in carriages, three cents; for sheep and swine, one cent each; and one person only shall be allowed as a driver to each team, to pass free of toll;—and all persons who shall have occasion to pass said bridge to perform military duty, shall pass free of toll. [*Feb. 18, 1814.*]

Rates of toll.

An ACT to incorporate the Protestant Episcopal Society in the town of Sheffield. *Chap. 142.*

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 Adams, Elijah Arnold, Morris Austin, Seth Austin, Jonathan Bartlett, Roger Barton, Asa F. Bigelow, David Burrell, Jedediah Burrell, Warren Burrell, Samuel C. Clay, Archer Callender, Ira Chamberlain, John Chapman, Samuel Curtis, James Curtis, Giles Curtis, Harmi Davis, Caleb Dresser, William Dunwell, Ebenezer Ferry, Isaac Ferry, Oramel Ferry, Samuel Fosket, Whitney Fosket, Zacheus Goodrich, Moses Hubbard, Harvey H. Hubbard, Timothy Hubbard, jr. William Huggins, Jared Johnson, Joseph Johnson, William Johnson, Austin Kenney, Walter Landon, Rowland Langford, Timothy Lovejoy, Asa Mason, Nathaniel Noble, jun. Allen Pease, Nathaniel Pixley, Carmi Ransford, Solomon Ransford, Gideon Schelinger, Gilbert Schelinger, Hector Schelinger, Amos Shears, Edwin Shears, Harry Shears, Jeremiah Shears, Samuel Shears, Zachariah Shears, Nathaniel Spaulding, Derrick Spoor, Derrick Spoor, jr. Jacob Spoor, Nicholas Spoor, Stephen Stephens, Thomas Stephens, William Stephens, William Stephens, jun. Eliakim Vosburgh, Gomery Vosburgh, Russell Vosburgh, Salmon Way, Joel Way, Calvin Westover, Elisha Westover, Levi Westover, Job Westover, Jacob Warn, Benoni Warn, Joseph Wilcox, and Ebenezer Wilcox, together with their families and estates, and such other persons as may hereafter associate with them, and their successors, in the manner provided in this Act, be, and they are hereby incorporated as a religious society, by the name of the Protestant Episcopal Society in Sheffield, with all the powers and privileges, which are exercised and enjoyed by, and subject to all the duties, obligations, and restrictions, incident to other religious societies, according to the constitution and laws of this Commonwealth.

Persons incorporated.

Rights and privileges.

SECT. 2. *Be it further enacted,* That any person living in the said town of Sheffield, being a member of any other religious society in the said town, who may desire to join the said Episcopal society, shall, previous thereto, declare such desire in writing, and deliver it to the minister or clerk of the said Episcopal society, and shall also give a copy of the said written desire to the clerk of said town; and if such person doth receive, and can produce a certificate, signed by the wardens of said Episcopal society, that such person has been received as a member thereof, such person, with his or her polls and estate, shall be considered and held a member of the said Episcopal society: *Provided always,* that such person shall be holden to pay his or her proportion of all legal assessments, or other parish, or society charges and expenses, due and unpaid, at the time of leaving one society and joining another.

Manner of becoming a member.

Proviso.

SECT. 3. *Be it further enacted,* That when any member of the said Episcopal society may see cause to leave the same, and to join in a parish or society relation, with any other religious society in the said town of Sheffield, shall declare such desire and intention in writing, and deliver it to the minister or deacons thereof, and shall also give a copy of the same to the war-

Manner of leaving.

dens of the said Episcopal society; and if such person do receive, and can produce a certificate of admission to membership, with such other society, such person with his or her polls and estate, from the date of such certificate, shall be considered and held as a member of the society to which he or she has so become united: *Provided however*, that in every case of secession from one society, and joining another in the said town of Sheffield, every such person shall always be holden to pay his or her proportion of all legal assessments, and all other parish or society charges and expenses due and unpaid, at the time he or she may so secede.

Proviso.

Justice to issue warrant.

SECT. 4. *Be it further enacted*, That any Justice of the Peace for the county of Berkshire, is hereby empowered to issue a warrant directed to one of the members of said Episcopal 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 organize the said society, by the election and appointment of its officers. [*Feb. 22, 1814.*]

Chap. 143.
The preceding acts are repealed by 1816 ch. 26.

An ACT in further addition to "An Act in addition to Acts regulating the storage, safe keeping and transportation of gunpowder 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 from and after the first day of April next, no commissary or any other officer or officers, or any person or persons, in the service of the United States, or acting in the department of commissary or quarter master general of this Commonwealth, shall be permitted to have, keep, or possess within the town of Boston, a greater quantity of gunpowder than four hundred pounds; and that the powder so had and possessed within the said town, shall be kept in a place approved of by the fire-wards of the said town, either under ground in a vault, or in a stone or brick building secured against explosion by fire.

Powder, where kept.

SECT. 2. *Be it further enacted*, That any gunpowder which shall be found in the possession of, or which may be had or kept within the town of Boston, by any officer or officers, or any person or persons whatsoever, acting in behalf or under the authority of the United States, or by any agent or servant of such officers or persons; and all gunpowder, possessed, had, or kept, by any officer of the commissary or quarter master generals departments of the state of Massachusetts, or persons acting under the authority of these departments, contrary to the provisions of this Act, may be seized by any two or more of the fire-wards of the town of Boston, and the same may be libelled and condemned, and sold, and the proceeds thereof distributed as is by law provided for the forfeiture of gunpowder in other cases within said town. [*Feb. 22, 1814.*] See 1816 ch. 26: 1820 ch. 47.

Duty of fire-wards.

Chap. 145.

An ACT to incorporate the Troy 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 Sheffel Weaver, James Maxwell, James Driscoll, Daniel

Buffinton and Nathaniel Wheeler, 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 Troy Cotton and Woollen Manufactory, for the purpose of manufacturing cotton and woollen yarn and cloth, in the town of Troy, in the county of Bristol; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of manufacturing corporations." (1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 22, 1814.]

An ACT to incorporate the Adams South Village Manufacturing Company.

Chap. 146.

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 Richardson, Russell Brown, Humphry Anthony, Eli Green, Jesse Whipple, Arthur Field, David Anthony, jun. and Isaac Brown, 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 Adams South Village Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, in the town of Adams, in the county of Berkshire; and for the purpose aforesaid shall have all the powers and privileges, and shall also be subject to all the duties and requirements, contained in an Act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine. (1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation, in their corporate capacity, shall and may lawfully hold and possess such real estate, not exceeding in value thirty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactories aforesaid. [Feb. 22, 1814.]

An ACT to regulate the Fishery in Aggawaum or Westfield River.

Chap. 147.

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, any person or persons who shall draw a seine, or drag-net within thirty rods of the lower side of the dam, or race-way at White's mills, on Aggawaum river, in the town of West Springfield, for the purpose of catching shad, alewives or other fish, shall, for each and every offence, forfeit and pay the sum of five dollars for each time he or they shall so draw said seine, together with the forfeiture of the boat and seine. Shall not set seine, &c.

SECT. 2. *Be it further enacted,* That if any person or persons

Shall not set
pot, &c.

shall set any pot, net, weare or hurdell, within thirty rods of said dam, or race-way, for the purpose of catching fish of any kind, he or they shall, for each and every offence, severally forfeit and pay the sum of five dollars, for every twelve hours, said pot, net, weare or hurdell, shall be placed in the said river, and so in proportion for a greater or less time.

Shall not catch
with a scoop-
net.

SECT. 3. *Be it further enacted*, That any person who shall attempt to catch fish with a scoop-net, within the aforesaid distance of the lower side of said dam, or in or near the sluiceway made for the passage of fish through said dam, shall, for each and every offence, forfeit and pay the sum of one dollar.

Fines and for-
feitures.

SECT. 4. *Be it further enacted*, That all the fines and forfeitures, incurred by a breach of this Act, may be recovered, in an action on the case, before any Justice of the Peace for the county of Hampden. [Feb. 22, 1814.]

Chap. 149.

An ACT establishing The Nobscusset Point Pier Company.

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 Daniel Howes, Henry Hall, Zenas Howes, John Howes, Jun. and Oran Howes, and all such persons as are, or shall be associated with them, and their successors, shall be a corporation, by the name of The Nobscusset Point Pier Company, and shall by that name sue and be sued, implead and be impleaded, and shall and may appear, prosecute, and defend in all actions or suits, for or against them, till final judgment, execution and satisfaction; and they shall have a common seal, and shall be capable in law, to take by purchase or otherwise, and to hold, and convey real estate: *Provided*, That the whole real estate which the company may at any one time hold, or possess, in their corporate capacity, shall not exceed twenty thousand dollars in value.

Proviso.

SECT. 2. *Be it further enacted*, That the said Pier shall be erected upon the easterly side of Nobscusset Point, (so called) in the town of Dennis, in the county of Barnstable, to be built of stone and timber, and to commence at a sufficient distance from high water mark, at said point, and to run easterly six hundred feet, more or less.

Where to erect
Pier.

SECT. 3. *Be it further enacted*, That the said Daniel Howes, Henry Hall, and Zenas Howes, or any two of them, may call a meeting of said corporation, by giving notice in posting up an advertisement at Dennis north meeting-house in said town, 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: *Provided however*, that no person shall have more than five votes, and absent proprietors may vote by proxy, authorised in writing; and the

May call a
meeting.

Proviso.

proprietors of said corporation may, at any legal meeting, adopt such by-laws, rules and regulations, as shall be necessary and convenient for the management of their affairs: *Provided*, the same are not repugnant to the laws or constitution of this Commonwealth.

Proviso.

SECT. 4. *Be it further enacted*, That the shares of any person in said Pier Company, may be attached on mesne process, or taken and sold on execution, in the manner pointed out by an act, entitled “An act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies.”

Attachment of property.
(1804 ch. 83.)

SECT. 5. *Be it further enacted*, That the shares of each proprietor in said corporate property shall be, and be considered in all respects personal estate, and shall be transferred in such manner, as the proprietors by their laws shall provide and direct. [Feb. 22, 1814.]

Personal estate.

An Act to incorporate The Linum and Duck Manufacturing Company.

Chap. 151.

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 R. Newhall and Amos Binney, together with their associates, successors and assigns, be, and hereby are incorporated by the name of The Linum and Duck Manufacturing Company, for the purpose of spinning and manufacturing flax, hemp, (or whatever else can be manufactured with a certain machine called the Linum Spinner) in the town of Lynn, in the county of Essex, and one other town within this Commonwealth; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements of an act, entitled “An act defining the general powers and duties of Manufacturing Corporations,” passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incorporated.

(1816 ch. 52.)

Powers enlarged.

(1808 ch. 65.)

SECT. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess real estate, to the value of fifty thousand dollars, and personal estate, to the value of one hundred and fifty thousand dollars.

May hold real and personal estate.

SECT. 3. *Be it further enacted*, That Joseph R. Newhall, is hereby authorised to call the first meeting of the corporation, at such time and place, as he may deem proper, within the town of Boston, by giving to each proprietor due notice in writing of the time, place, and purposes of such meeting. [Feb. 24, 1814.] Add. act—1816 ch. 52.

First meeting.

An Act to incorporate The Boston Asylum for Indigent Boys.

Chap. 153.

WHEREAS William Phillips, James Lloyd, William Sullivan, Benjamin Green, and Samuel H. Walley, and a number of other persons, have associated for the charitable purpose of relieving, instructing, and employing indigent boys belonging to the town of Boston, and to carry their association into effect, have petitioned to be incorporated:

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 William Phillips and his associates, together with

Persons incorporated.

such others as may become subscribers to the same institution, in the manner herein after provided, be, and they are hereby incorporated into a society, by the name of The Boston Asylum for Indigent Boys, and by that name, shall be a corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish by-laws and orders for the regulation of the said society, and the preservation and application of the funds thereof: *Provided*, the same be not repugnant to the constitution or laws of this Commonwealth. To take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise, or otherwise, free from taxes, and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution: *Provided*, That the value of the real estate of said society, shall never at any one time, exceed fifty thousand dollars, and the annual income of the whole estate of said society, shall not exceed twenty thousand dollars.

Proviso.

Proviso.

Annual Subscription.

SECT. 2. *Be it further enacted*, That every person who shall subscribe, and pay to the funds of said society a sum not less than three dollars annually, shall, by such subscription and payment, become a member of said society, liable, however, to be removed therefrom, on neglect or refusal to pay the annual subscription aforesaid.

Time and place of meeting.

SECT. 3. *Be it further enacted*, That the said society shall meet in Boston, on the first Monday in May annually; for the purpose of electing by ballot from their members, a President, Vice-President, Treasurer, Secretary, and a board of not less than six, nor more than nine managers, in addition to the President, Vice-President, and Treasurer of the society, who shall always be ex officio members of the board of managers; all which officers shall hold their respective offices for one year, and until others shall be elected to succeed them; except in case of vacancy by death, or resignation; in which case the board of managers shall have power to fill such vacancy, until the ensuing annual election; and the said Board of Managers shall have power to call a meeting of the said society whenever they may deem it expedient; and it shall be their duty to call such meeting whenever requested thereto by fifty of the subscribers, and to give notice of the annual meetings, by advertisement, in at least two of the newspapers printed in Boston, at least seven days before such meeting: Not less than three managers shall form a quorum for the transaction of business, and all questions shall be decided by the votes of a majority of the managers present. And at all meetings of the society or the managers, the President shall preside, or if absent, the Vice-President; and in case of the absence of both of the said officers, such person shall preside as the society, or the board of managers, at their respective meetings may elect.

May call a meeting.

SECT. 4. *Be it further enacted*, That the treasurer of the society shall give bonds for the faithful performance of the duties of his office, and to render accounts of his transactions therein, as often as may be required by the board of managers, in such sum, and with such sureties, as to the said board of managers

Treasurer to give bonds.

may be acceptable; and any officer or member of the said society, may be removed therefrom, on the vote of a majority of the whole number of members of which the society may at the time consist.

SECT. 5. *Be it further enacted*, That the board of managers, for the time being, shall have the entire direction and controul of the concerns, business, and interest of the society, and shall have the management and application of all the subscriptions, donations, funds and estate of the society, to be appropriated solely for the uses of the society; and no sale or transfer of any real or personal estate of said society shall be valid, unless approved by them; and no money shall be paid out of the treasury of said society, except by their order; they shall likewise have authority, at their discretion, to take into their Asylum, such indigent boys belonging to the town of Boston, as they may judge to be suitable objects of charity, to enjoy the benefit of the institution; and also to accept a surrender in writing by the father, or where there is no father, by the mother or guardian of any indigent boy as aforesaid, to the care and direction of said society, and to bind out in virtuous families, or to reputable trades or occupations, or to educate in such manner as they may deem beneficial, until the age of twenty-one years, any such indigent boy or boys, thus surrendered, or any such boy, who being destitute of parents within this Commonwealth, shall have been relieved and supported by the society: *Provided*, that any parent whose child or children shall have received relief, or have been bound out as aforesaid, during the absence of such parent from this state, shall have liberty on his or her return to the state, to receive and withdraw such child or children on paying to the treasurer of the society the expense incurred in his or their relief and support as aforesaid. And the managers shall have authority to establish any rules and regulations for the proceedings of the board and the concerns of said society, not repugnant to the laws of this Commonwealth, or the by-laws of said society.

Management
of property.

Proviso.

SECT. 6. *Be it further enacted*, That any writ or process against said corporation, may be served by the officer's leaving an attested copy thereof with the treasurer of said society, or at his last or usual place of residence, thirty days before the return day thereof; and the said treasurer, or any person appointed for that purpose by the society, or by the managers, may appear by attorney and defend or prosecute any suit in behalf of said society; and all instruments of conveyance or contract which may lawfully be made by said society, shall be approved by the managers, and signed by the President or Vice-President, as the board may direct, and countersigned by the Secretary, and if necessary, sealed with the common seal of said society, and when so executed, shall be binding thereon and valid in law.

Manner of
serving a writ.

SECT. 7. *Be it further enacted*, That Benjamin Green be, and he hereby is authorised to call the first meeting of the said society, by giving public notice of the time and place of meeting, by advertisement in one or more of the newspapers printed in

First meeting

the town of Boston, at least three days prior to such meeting, and at which meeting the officers before mentioned of the society shall be elected, and shall hold their offices until the first annual election of officers shall be holden agreeably to the provisions of this act. [Feb. 24, 1814.]

Chap. 154.

An ACT to establish The Walpole Manufacturing 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 Samuel Dexter, James Richardson, Eli Bonney, Timothy P. Whitney, Samuel Whitney, Lovett Kingsbury, William Bacon, David Ruggles, James Clark, and Sewall Sanford, 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 Walpole Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Walpole, in the county of Norfolk; 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 third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. [Feb. 24, 1814.]

Chap. 155.

An ACT to establish The Stony Brook Manufacturing 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 David Gilbert, Josiah J. Fiske, Richard Briggs, Daniel Cook, Richard Sayles, and Willard Sayles, together with such persons as have, or may be hereafter associated with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Stony Brook Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn in the town of Wrentham, and 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 in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

SECT. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding seventy thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory as aforesaid. [Feb. 24, 1814.]

Persons incorporated.

(1808 ch. 65.)

May hold real and personal estate.

Persons incorporated.

(1808 ch. 65.)

May hold real and personal estate.

An ACT to incorporate The Watertown Woollen Manufactory Company.

Chap. 159.

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 Cook, Daniel Boyden, James Cook, Thaddeus Cole, Isaac Patten, Aaron Clap, and Tyler Bigelow, with such 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 Watertown Woollen Manufactory Company, for the purpose of manufacturing woollen cloths in the town of Watertown; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

(1808 ch. 65.)

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding twenty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for the carrying on the manufactory aforesaid. [Feb. 24, 1814.]

May hold real and personal estate.

An ACT to incorporate The Universalist Religious Society in Warwick.

Chap. 166.

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 Atwood, Ebenezer Williams, Thomas Atwood, Nathan Atwood, Jonathan Patch, Jonathan Smith, Jonas Watts, Abner Goodell, Obadiah Bass, George Stockwell, Joseph Smith, Levi Stearns, John Stearns, Ephraim Robbins, John Gale, James Stockwell, Jacob Rich, Reuben Rich, Amory Gale, Ebenezer Bancroft, William Bancroft, Thomas Bancroft, John Smith, Eliot Rawson, Philip Atwood, and Eleazer W. Wilber, with their families and estates, be, and they are hereby incorporated into a religious society, by the name of The Universalist Religious Society in Warwick, with all the powers and privileges, and subject to all the duties and requirements, to which parishes are entitled and subjected by the constitution and laws of this Commonwealth: *Provided,* That all such persons shall be holden to pay their proportion of all monies granted and assessed in said town of Warwick, for parochial purposes, prior to the passing of this Act.

Persons incorporated.

Rights and privileges.

Proviso.

SECT. 2. *Be it further enacted,* That any person belonging to said town of Warwick, being of the Universalist denomination, who may 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 of the minister, or clerk of said society, that he or she has actually become a member of and united in religious worship with said Universalist society, fourteen days at least before the town meeting therein held in the month of March or April, shall from and after the giving in such certificate, be considered a member of said society.

Manner of becoming a member.

SECT. 3. *Be it further enacted,* That if any member of said

Manner of leaving.

Universalist 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 Universalist society, and also with the clerk of the town, fourteen days at least before the annual town meeting to be held therein, in the month of March or April; such person shall be considered from and after giving in such certificate, 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 Universalist society: *Provided*, That every person leaving one of said religious societies, and attaching himself to the other, according to the provisions of this Act, shall be holden to pay his proportion of all monies previously granted and assessed upon him for parochial purposes.

Proviso.

Justice to issue warrant.

SECT. 4. *Be it further enacted*, That any justice of the peace for the county of Franklin, is hereby authorized to issue his warrant directed to some suitable member of said Universalist society, requiring him to notify and warn the members thereof to meet at such time and place, as may be appointed in said warrant, to choose such officers as parishes are by law authorized to choose in the month of March or April annually. [Feb. 25, 1814.]

Chap. 167.
1807 ch. 67.
1808 ch. 84.

An ACT in further addition to an Act, entitled, "An Act establishing a corporation, by the name of The Social Insurance Company."

Election of officers.

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 Social Insurance Company in Salem, at their annual meeting, on the third Monday of April next ensuing, may elect in the manner prescribed in the third section of "An Act establishing a corporation, by the name of The Social Insurance Company," a number of Directors not exceeding seven, who may from their number elect a President, if they see fit; and who shall hold their offices until the business of the said company shall be settled, and the stock divided among the stockholders; and who shall manage and conduct the stock, property, affairs and concerns of the said company, until the same shall be wholly settled; and any vacancy arising in the number of Directors so chosen, may be filled in the manner prescribed by the said Act.

Management of property.

Division of property.

SECT. 2: *Be it further enacted*, That the Directors of the said Social Insurance Company, in pursuance of a vote of the stockholders, be, and they hereby are authorized to close the concerns of the said company, and divide the capital stock, and the property and effects belonging to the said company, among the stockholders; and as soon as the affairs of the said company can be adjusted and settled, to dissolve the said corporation. And neither the said company, nor the directors on their behalf, shall have power and authority to make insurance hereafter upon vessels, money, freight, or any property, or against any risks whatever: *Provided always*, That the said company shall make no dividend of their capital stock, until

May dissolve corporation.

Proviso.

all the debts of the said company shall be paid, and all outstanding risks shall be adjusted and finally settled.

SECT. 3. *Be it further enacted*, That the sixth and twelfth sections of an Act, establishing a corporation by the name of The Social Insurance Company, and also such other parts of that Act, and of the Act in addition to the same, as are inconsistent with the provisions of this Act, be, and the same are hereby repealed. [Feb. 26, 1814.]

Part of act repealed.

An ACT to alter and change the Names of certain persons therein mentioned.

Chap. 170.

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 the passing of this Act, Thomas Kendall, of Boston, in the county of Suffolk, sail-maker, shall be allowed to take the name of Thomas Boyd Kendall; that Silas Cheney, of the same Boston, shall be allowed to take the name of Samuel S. Cheney; that John Torrey, son of Samuel Torrey, of Boston aforesaid, shall be allowed to take the name of John Gore Torrey; that Asa Dennet, a citizen of the United States of America, and resident at said Boston, shall be allowed to take the name of Charles A. Dennet; that John Reed, of Boston aforesaid, son of Benjamin Reed, of Milton, in the county of Norfolk, shall be allowed to take the name of John Walter Reed; that Ebenezer Upton, jun. of Danvers, in the county of Essex, shall be allowed to take the name of Eben Sprague Upton; that Mercy Smith, an infant daughter of James Smith, of Marblehead, in said county of Essex, merchant, shall be allowed to take the name of Mercy Abigail King Smith; that Moses Moody the 3d, of Newburyport, in the county of Essex aforesaid, merchant, shall be allowed to take the name of Moses Frederick Moody; that Lorenty Spitzenfield Colby, an infant son of John Colby, of Salisbury, in said county of Essex, shall be allowed to take the name of Edwin John Colby; that George Bartlett 2d, of Charlestown, in the county of Middlesex, son of the Hon. Josiah Bartlett, of the same place, shall be allowed to take the name of George Frederick Bartlett; that William Porter, of Charlestown aforesaid, shall be allowed to take the name of Frederick William Porter; that Timothy Burbank, of Sherburne, in said county of Middlesex, shall be allowed to take the name of Timothy Kendall; that Lysander Bascom Loveland, an orphan boy, and son of the late Epaphroditus Loveland, of Greenfield, in the county of Franklin, deceased, shall be allowed to take the name of Lysander Loveland Bascom; that Mary Gifford, of Westport, in the county of Bristol, shall be allowed to take the name of Mary Ann Wilbour Gifford; that Adam Briggs, a minor, and son of the late Susanna Harrington, of Orange, in the county of Franklin, shall be allowed to take the name of Adams Harrington; that John Rice, of Boston, in the county of Suffolk, son of the late Major John Rice, of the same Boston, shall be allowed to take the name of John H. Rice.

Names altered and changed.

And the several persons before named, from the time of the passing of this Act, shall be called and known by the names which, by this Act, they are respectively allowed to take and

assume as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes. [Feb. 26, 1814.]

Chap. 171.
1802 ch. 44.
(V. 3. p. 34.)

An ACT in addition to An Act, entitled, "An Act to incorporate Oliver Wendell and others, together with the Overseers of the Poor of the town of Boston, for the time being, by the name and title of The Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children."

Corporation
authorized to
bind out poor
persons, &c.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same; That the corporation constituted by an Act, entitled, "An Act to incorporate Oliver Wendell and others, together with the Overseers of the Poor of the town of Boston, for the time being, by the name and title of The Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children," be, and hereby are authorized and empowered to bind out in virtuous families, or to reputable trades, or useful arts or occupations, such poor persons, orphans, or deserted children, as receive, or may hereafter receive the benefit of the said Boylston's charitable donations, until they arrive to the age of twenty-one years, in such manner as to the said corporation may seem expedient; and for this purpose shall have authority to establish any rules and regulations, and enter into any indenture or covenant relative to such objects, not repugnant to the laws of this Commonwealth, as the said corporation may deem necessary or expedient. [Feb. 26, 1814.]

Chap. 175.

An ACT to incorporate The President, Directors and Company of the Dedham Bank.

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 Elijah Crane, Willard Gay, George Ellis, Jeremiah Baker, Horatio Townsend, Samuel Richards, Samuel Haven, John Guild, Jabez Chickering, Martin Marsh, George Dixon, Ebenezer Fisher, the second, and James Talbot, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors and Company of the Dedham Bank, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; 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 place whatever; and also to make, have, and use a common seal, and to ordain, establish, and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary for the government of the said corporation, and the prudent management of their affairs: Provided, such by-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall always be subject to the rules, restrictions, limitations and provisions herein prescribed.*

Time incorpo-
rated for.

Proviso.

SECT. 2. *Be it further enacted, That the capital stock of said*

corporation shall consist of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in four equal instalments; the first, on the first day of May next; the second on the first day of November next; the third, on the first day of May next after; and the fourth, on the first day of November next after. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns; 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 thirty thousand dollars, and no more at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think proper: *Provided however*, That nothing herein contained shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debt due to the said corporation: *And provided further*, That no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to twenty-five thousand dollars.

Amount of capital stock and of each share.

Time enlarged.
1814 ch. 147.
1815 ch. 80.

May hold real estate and amount.

Proviso.

SECT. 3. *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established: *Provided*, That the bond required to be given by the Cashier, shall be given in the sum of twenty thousand dollars; that the number of Directors, to be annually chosen, shall be five, and three may constitute a quorum to transact business: *And provided also*, That the amount of debts at any time due from said bank, shall not be more than double their capital stock actually paid in.

(1811 ch. 34.)

Proviso.

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

Bank, where established.

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 which may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at the rate of five per centum per annum: *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 twenty per centum of the capital stock actually paid in.

Shall loan to the Commonwealth.

Proviso.

SECT. 6. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a

Legislative committee may examine books, &c.

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

Shall transmit statement of accounts.

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, once in six months at least, and as much oftener as they shall 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 copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath, before some person competent to administer the same.

Commonwealth may subscribe.

SECT. 8. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions, as shall be by the Legislature made and established, as to the management thereof.

Shall pay tax to the Treasurer.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of May next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days of each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall at the time of said dividend, have been paid in: *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks hereafter incorporated within this Commonwealth: *And provided further*, That nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated under the authority of this Commonwealth, whenever they may think proper so to do.

Proviso.

Amount appropriated to loans.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest; which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate, to the satisfaction of the Directors of the said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption, as is by law provided in other cases.

Shall pay altered notes.

SECT. 11. *Be it further enacted*, That said corporation shall be liable to pay, to any *bona fide* holder, the original amount

on any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

SECT. 12. *Be it further enacted*, That the persons herein before named, or a majority 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 three weeks successively in the Dedham Gazette, printed at Dedham, for the purpose of making, ordaining, and establishing such by-laws, ordinances and regulations for the proper conducting the affairs of 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 think proper to choose. [Feb. 26, 1814.] Add. act—1814 ch. 147: 1815 ch. 80.

May call a meeting.

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

Chap. 176.
1803 ch. 157.
(V. 3. p. 440.)
1805 ch. 108.
1807 ch. 70.

WHEREAS by the provisions of an act, entitled “An act in addition to an act, entitled an act granting a Lottery for completing the Locks and Canals at Amoskeag Falls in the State of New-Hampshire,” the time for which it was granted has expired, and the sum provided to be raised thereby has not been obtained :

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 further time be granted sufficient to sell and draw six classes of said lottery, [of ten thousand tickets in each class, at five dollars per ticket:] *Provided however*, That no ticket shall be issued by the managers of said lottery, until the expiration of six months from and after the passing of this act.

Further time allowed.
Repealed 1814 ch. 167.
Proviso.

SECT. 2. *Be it further enacted*, That the managers of said lottery, to be appointed by virtue of this act, be, and they are hereby authorised and directed to pay unto Samuel Swan, Esq. from the first monies that shall be raised as aforesaid, the sum due to him from said lottery, as settled and reported by a board of commissioners for that purpose appointed, by an act of the Legislature, passed on the sixth day of March, in the year of our Lord, eighteen hundred and ten, and the interest thereon from the time of said settlement; and that they pay the remainder of the sum they shall raise as aforesaid, exclusive of the incidental expenses thereof, to the agent for completing the locks and canal aforesaid, to be applied to said object.

Money, how appropriated.

SECT. 3. *Be it further enacted*, That his Excellency the Governor be, and he is hereby authorised to appoint three managers of the future classes in said lottery hereby granted, according to the mode prescribed in the act aforesaid, passed March fourteenth, in the year of our Lord eighteen hundred and six; and he is also authorised to call them to a settlement of their accounts, whenever he shall deem proper, and to proceed with them in the way appointed in the act passed for such purposes, on the first day of March, in the year of our Lord eighteen hundred and ten. [Feb. 26, 1814.] Further act—1814 ch. 167.

Governor to appoint Managers.

Chap. 177. AN ACT incorporating The Calvinistic Congregational Society in Sandwich, in the county of Barnstable.

Persons 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 William Fessenden, Daniel Perry, Silvanus Gibbs, Bethuel Bourne, Allen Nye, John Dillingham, jun. Heman Adams, Lot Adams, William Atkins, Nathan Bourne, jun. Ezra L. Bourne, John Bourne, Job Bourne, Charles Bourne, Benjamin Burgess, Jacob Burgess, Anson Burgess, Samuel Blossom, Joseph Blossom, Benjamin Blossom, Uriah Butler, William Bassett, William Bassett, jun. Charles Bassett, Joshua Backus, Heman Backus, Ellis Blackwell, Joseph Blackwell, Samuel Blackwell, Benjamin Blackwell, Samuel Chadwick, James Chadwick, James Coleman, James Coleman, jun. Kenelm Crocker, George Cyprus, Nathaniel Covell, Ebenezer Covell, Bartholomew Cushman, Charles De Launey, Ezra Dillingham, Barnabas Ewer, Bartlett Ellis, Bethiah Ellis, widow, Seth Ellis, Nathan Ellis, Gideon Ellis, Gershom Ellis, James Ellis, Jerusha Ellis, widow, Benjamin Ellis, Jesse Ellis, Hepzibah Ellis, widow, Ephraim Eldridge, Josiah Eldridge, Joseph Fuller, Silvanus Fish, Chipman Fish, Anselm Fish, Braddock Fish, Simon Fish, Theodore Fish, Isaiah Fish, Josiah Fish, Asa Fish, Ephraim Fish, Jesse Fish, David Fish, James Fish, James Fish, jun. Prince Fish, Silas Fish, John Fish, 3d, Warren Fish, Thomas Fessenden, Nathaniel Freeman, Russell Freeman, George W. Freeman, Charles Gibbs, Rufus Gibbs, Caleb Gibbs, Edward B. Gibbs, Rebecca Gibbs, widow, David Gibbs, Luther Goodspeed, Timothy Goodspeed, jun. Alden Gifford, Levi Gifford, Thomas Hamlin, Seth Hamlin, Nathaniel Hamlin, Lemuel Hamlin, John Hamlin, Benjamin Hamlin, Ellis Howland, William Halway, Stephen Hoxie, James Insley, Silvanus Jones, Abraham Keen, John Keen, Abraham Landers, David Landers, Anselm Lumbert, Thomas Lumbert, Josiah Meiggs, Seth Meiggs, Asa Meiggs, Jonathan Meiggs, Matthew Meiggs, John Moriarty, William Marstin, Joseph Nye, Moses Nye, Ebenezer Nye, Lemuel Nye, Heman Nye, Peter Nye, Prince Nye, Prince Nye, jun, Josiah Nye, John Nye, Peleg Nye, Joshua Nye, jun. Paul Nye, Samuel T. Nye, Bethuel Nye, George B. Nye, Edward Nye, Gilbert Nye, James Percival, Freeman Percival, Sarah Percival, widow, Timothy Percival, Othniel Omans, Kimball Perry, Elisha Perry, Elisha Perry, jun. John Perry, jun. John Perry, 3d. Elijah Perry, Mary Perry, widow, James Perry, William Perry, Bathsheba Perry, widow, John Pope, Lewin Pope, Thomas Phinney, Clark Swift, Ellis Swift, James Stewart, Thomas Smith, Bethiah Smith, Warren Smith, Deborah Smith, widow, Thomas H. Tobey, James Tobey, Timothy Tobey, Rebecca Tobey, Prince Tupper, and Amariah Wilcox, inhabitants of the town of Sandwich, in the county of Barnstable, with their families and estates, together with such others as may hereafter join them, in manner hereafter prescribed, and their successors, be, and they are hereby incorporated into a society, by the name of The Calvinistic Congregational Society in Sandwich, with all the powers and privileges, rights and immunities which other

parishes and religious societies are by law and the constitution entitled to, and subject to the same duties: *Provided*, That the persons incorporated as aforesaid, shall be holden to pay to the first precinct in said town, to which they belonged, all taxes voted and assessed, and not paid before the passing of this act, excepting such of them as may have received and filed certificates from a committee of said society, that they had become members thereof, shall not be holden to pay any taxes voted or assessed since they have so received and filed such certificates.

Proviso.

SECT. 2. *Be it further enacted*, That any person belonging to the said first precinct, who may be desirous of becoming a member of the said Calvinistic Congregational Society, and shall give in to the clerk of said first precinct, a certificate signed by the clerk of the said Calvinistic Congregational Society, that he or she has actually become a member of said society, any time within two years from the passing of this act, shall from and after giving in such certificate, with his and her polls and estates, be considered a member of said society; and if any member of said society shall wish to leave the same, and join the said first precinct, and shall leave with the clerk of said society, a certificate signed by the clerk of said first precinct, that he or she has become a member of said precinct, at any time within two years from the passing of this act, such persons shall, from the time of leaving such certificate, be considered as a member of said precinct, and all young persons living in said precinct, arriving to the age of twenty-one years, and all persons coming to reside and dwell in said precinct, shall have and be allowed the term of one year from the time of their so arriving to the age of twenty-one years, or coming to dwell in said precinct, to join said Calvinistic Congregational Society: *Provided however*, That all such persons shall signify their determination of the same, and proceed therein in the manner above pointed out in this section: *And provided also*, That in all cases, the person or persons changing their relation to said society or precinct, shall be held to pay all taxes assessed upon them by the precinct or society where they belonged previous to such removal.

Manner of becoming a member.

Manner of leaving.

See 1819 ch. 38.

Proviso.

SECT. 3. *Be it further enacted*, That Nathaniel Freeman, Esq. be, and he hereby is authorised to call the first meeting of said Calvinistic Congregational Society in Sandwich. [Feb. 26, 1814.] Add. act—1819 ch. 38.

First meeting.

An ACT to prevent the destruction of the Fish called Alewives and Shad, in Charles River. Chap. 183.

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 any person or persons shall place or set any seine or net, or set up, erect, or make any weares, or place any other incumbrance whatsoever (mill dams excepted) in or across Charles River, for the straitening, obstructing, or stopping the free passing of the fish called shad and alewives, up and down said river.

Penalty for obstructing passage.

they shall severally forfeit and pay the sum of fifty dollars for each and every offence; one half of which shall be to the use of the town or towns, within whose limits the offence is committed, and the other half to the use of him or them that shall complain or prosecute therefor—or any town may prosecute by their fish committee.

Shall not set seine, &c.

SECT 2. *Be it further enacted*, That if any person or persons shall draw any seine or net, to take any of the fish aforesaid within said river, or in any other way take any of said fish, on any other days than Monday, Wednesday and Friday in each week, every person so offending shall forfeit and pay the sum of twenty dollars for each and every offence, to the use as aforesaid; and all forfeitures incurred by any breach of this act may be recovered by information, or by action on the case, before any court proper to try the same.

Former acts repealed.

SECT. 3. *Be it further enacted*, That all parts of any acts relating to the fishery in said river, inconsistent with this act, be, and the same are hereby repealed. [Feb. 28, 1814.]

Chap. 184.
1803 ch. 56.
(V. 3. p. 265.)

An ACT in addition to an Act, entitled, "An Act declaring and confirming the incorporation of the Proprietors of the New South Meeting-house 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 all or any part, so that it be not less than one half, of all monies raised by the Proprietors of the New South Meeting-house in Boston, for the purpose mentioned in the fourth section of an act, entitled, "An Act declaring and confirming the incorporation of the Proprietors of the New South Meeting-house in Boston," may be assessed by the committee and assessors of the said proprietors jointly, or by the major part of them, upon the several proprietors of pews in said meeting-house, according to the relative value of the said pews, regard being had to their situation and convenience, if the said proprietors vote so to do, any thing in the act aforesaid to the contrary notwithstanding.

Assessment of taxes.

May purchase estate.

SECT. 2. *Be it further enacted*, That the said proprietors be, and they are hereby empowered to purchase, take and hold certain land, adjoining that on which their meeting-house now stands, for the more commodious site of a new meeting house, as to them shall seem best, any thing in the act aforesaid to the contrary notwithstanding. [Feb. 28, 1814.]

Chap. 185.

An ACT to incorporate The Evangelical Missionary Society in Massachusetts.

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 Rev. Ezra Ripley of Concord, Joseph Allen, Esq. of Worcester, and Thomas W. Ward, Esq. of Shewsbury, with those who have or may hereafter associate with them, and their successors, be, and hereby are incorporated and made a body politic, for the purposes of furnishing the means of christian knowledge and moral improvement, by the distribution of pious and religious books and tracts, by aiding and supporting schoolmasters, and by sending missionaries among the inhabitants of

our own country, who are destitute of religious knowledge, or where such means are poorly provided, by the name of The Evangelical Missionary Society in Massachusetts; and the society aforesaid shall have perpetual succession, and may have a common seal, which it may be lawful for them to change, break, alter, and make new at pleasure; and may purchase and receive, by gift or devise, lands, tenements, and real estate of any kind, and the same hold in fee simple, or less estate; and also subscriptions, donations, and bequests of money, or any other personal estate, the annual income of which shall not exceed the sum of ten thousand dollars; and all grants, donations, subscriptions, devises and bequests, made to said society, shall be improved in such manner, as the trustees of said society shall judge most conducive to answer the designs of the institution.

May hold real and personal estate.

SECT. 2. *Be it further enacted*, That the said society may annually elect by ballot, by a majority of the members present, a President, Vice-President, a Treasurer, a Recording and Corresponding Secretary, 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 may at their first meeting, under this corporation, by vote of a majority of the members present at said meeting, adopt such constitution or system of rules and by-laws, as they shall think necessary for the conducting and executing the business of said society, and for the most effectually securing the objects of their institution; which constitution, or system of 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.

Election of officers.

Proviso.

SECT. 3. *Be it further enacted*, That the society aforesaid, shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name, stile, and title aforesaid; and if it should so happen, that said society shall become seized of lands and tenements, it shall be lawful, by deed, under the hand and seal of their president, for the time being, to sell and convey the same: *Provided*, such sale shall be made and concluded on by the trustees of said society.

Powers.

Proviso.

SECT. 4. *Be it further enacted*, That particular accounts of such funds, and the disposition thereof, shall be exhibited by the treasurer 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 said society, and of all the estate, both real and personal, belonging to the same; and said books shall be brought to the annual meetings, and be there open for the inspection of the members.

Duty of the treasurer.

SECT. 5. *Be it further enacted*, That Joseph Allen, Esq. be, and he is hereby authorized to call the first meeting of said society, in their corporate society, by publishing a notification in one newspaper printed in Worcester, and in one newspaper

First meeting.

printed in Boston, thirty days before the time therein appointed. [Feb. 28, 1814.]

Chap. 186.

An ACT continuing The Massachusetts Charitable Mechanic Association.

1805 ch. 75.

Act continued.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Charitable Mechanic Association, incorporated by an Act, entitled, "An Act to incorporate Jonathan Hunnewell and others, into a society, by the name of The Massachusetts Charitable Mechanic Association," shall and may remain and continue a corporation, with all the legal powers and privileges, the same now enjoys, for and during the term of ten years from and after the time limited for the duration of said corporation by the Act aforesaid. [Feb. 28, 1814.]

Chap. 191.

An ACT to erect the District of Lynnfield, in the county of Essex, into a Town, by the name of Lynnfield.

1782 ch. 7.

(V. 1. p. 32.)

Town incorporated.

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 Lynnfield, in the county of Essex, as the same is bounded and defined in an Act, entitled, "An Act for erecting a district, in the county of Essex, by the name of Lynnfield," be, and the same hereby is incorporated into a town, by the name of Lynnfield, with all the powers, privileges, and immunities, and liable to all the duties and requisitions of other towns in this Commonwealth. [Feb. 28, 1814.]

Chap. 193.

An ACT to incorporate The President, Directors and Company of the Lynn Mechanicks Bank.

Persons incorporated.

Time incorporated for.

Proviso.

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 Silsbe, Joseph Fuller the third, John D. Atwell, Thomas Rich, Samuel Brimblecum, Micajah Burrill, Parker Mudge, Oliver Fuller, Jonathan Conner, John Alley, jun. Stephen Oliver, John Mudge, and Jonathan Bachellor, their associates, successors, and assigns shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the Lynn Mechanicks Bank, and shall so continue from the first day of September next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; 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 to ordain, establish, and put in execution such by-laws, ordinances and regulations as to them may appear necessary and convenient for the government of the said corporation and the prudent management of their affairs: *Provided*, such by-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. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at two equal instalments; the first, on the first day of September next; and the second, on the first day of June, which will be in the year of our Lord one thousand eight hundred and fifteen, or at such earlier times as the said stockholders, at any meeting thereof, may order. And the stockholders, at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns; 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, and to loan and negotiate their monies 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, in mortgage or on execution, to any amount, as security for or in payment of any debts due to the said corporation: *And provided further*, That no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the first instalment shall have been actually paid in as aforesaid. And at any time, after the payment of the last instalment aforesaid, it shall be lawful, and power is hereby granted to the stockholders of said corporation, to add to their capital stock aforesaid the sum of fifty thousand dollars, if they shall think proper, to be paid in at one instalment.

Amount of capital stock and of each share.

Time altered—
1814 ch. 145.
1816 ch. 36.
1817 ch. 153.

May hold real estate and amount.

Proviso.

Proviso.

May add to capital.

SECT. 3. *Be it further enacted*, That the rules, restrictions, limitations, reservations and provisions which are provided in and by the third section of an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established: *Provided only*, that the bond required to be given by the Cashier, shall be in the penalty of ten thousand dollars; that the number of Directors, to be chosen annually, shall be nine, five of whom shall constitute a quorum for the transaction of business: *And provided also*, that the amount of bills, at any one time issued from said bank, shall not exceed fifty per cent. beyond their capital stock actually paid in.

Rules, &c.

(1811 ch. 84.)

Proviso.

Debts not to exceed 50 per cent.

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

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 an examination it shall be found, and after a full hearing of said corporation thereon be determined by the Le-

Legislative committee may examine books, &c.

gislation, that 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 may thereupon be declared forfeited and void.

Method of calling a meeting.

SECT. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorised 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 for three weeks successively in the Essex Register and Salem Gazette, for the purpose of making, ordaining and establishing such by-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.

Shall transmit statement of accounts.

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, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation; and of the gold, silver and copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath or affirmation, before some person competent to administer the same.

Shall pay altered notes.

SECT. 8. *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, fraudulently altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Shall pay tax to the Treasurer.

SECT. 9. *Be it further enacted*, That the said corporation, from and after the first day of September next, shall pay by way of tax to the treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock which shall, at the time of said dividend, have been actually paid in: *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks that shall be hereafter incorporated within this Commonwealth: *And provided further*, That nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Proviso.

Amount appropriated to loans.

SECT. 10. *Be it further enacted*, That one tenth 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 and manufacturing interest; which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, upon the personal bond of the borrower, with collateral security by a mortgage of real estate, to

the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and rights of redemption, as is by law provided in other cases.

SECT. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by 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 twenty per centum of the capital stock actually paid in.

Shall loan to the Commonwealth.

Provided.

SECT. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe, on account of said Commonwealth, a sum not exceeding sixty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations and provisions, as shall be by the Legislature made and established as to the management thereof. [*Feb. 23, 1814.*] Add. acts—1814 ch. 145: 1816 ch. 36: 1817 ch. 153.

Commonwealth may subscribe.

An ACT to repeal in part an act, entitled, "An act to incorporate Samuel H. Flagg, and others, by the name of The Proprietors of Prison Point Dam Corporation."

Chap. 200.

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 act, entitled "An act to incorporate Samuel H. Flagg, and others, by the name of The Proprietors of the Prison Point Dam Corporation," as provides 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 the locks thereof, be, and the same is hereby repealed.

1806 ch. 4.

Act in part repealed.

SECT. 2. *Be it further enacted*, That the said corporation shall be allowed to occupy and possess for the objects and purposes of said corporation, a parcel of flats between Prison Point and Lechmere's Point, not exceeding three hundred feet in width, if in their judgment, the same shall be found necessary, and that the travelling path on said dam shall not be less than thirty feet in width.

Possession of property.

SECT. 3. *Be it further enacted*, That the proprietors of said dam, shall have a right, if at any time hereafter they shall see fit to make a road from the said dam to the Main-Street in Charlestown; and any person whose land shall be taken for said road, shall be entitled to compensation in damages therefor, and shall have a like remedy in process therefor in all respects as is given in the several acts for laying out highways within this Commonwealth. [*Feb. 23, 1814.*]

Rights and privileges.

Chap. 201. An Act granting to the Proprietors of Union Locks and Canals authority to sell tickets 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 the Proprietors of Union Locks and Canals, incorporated in the State of New-Hampshire for the purpose of constructing locks on Merrimack river, thereby to open inland navigation from the town and harbour of Boston to Concord in that State, be, and hereby are authorised to sell or cause to be sold within this Commonwealth the tickets of a lottery granted to them by the government of New-Hampshire to raise the sum of twenty thousand dollars to complete that object: Provided, That the conditions, on which the said act, bearing date the fourteenth day of June in the year of our Lord one thousand eight hundred and thirteen, was passed be complied with: And provided also, That the managers of the said lottery appointed by the Governor of New-Hampshire shall be approved by the Governor of this Commonwealth and shall give sufficient bonds to him also for the faithful performance of that trust. [Feb. 28, 1814.]

Appendix,

CONTAINING SEVERAL PRIVATE AND SPECIAL ACTS, WHICH WERE OMITTED IN THE PRECEDING VOLUMES.

1795

Chap. 22.

An ACT to incorporate sundry persons by the name of the Massachusetts Fire 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 John Andrews, John Winthrop, William Wetmore, Jesse Putnam, William Shattuck, William Brown, Jonathan Harris and Samuel Salisbury, so long as they shall continue proprietors, and such others as hereafter may become proprietors in said company, be and they hereby are incorporated by the name of the Massachusetts Fire Insurance Company; and by that name shall be capable, in law, to sue, plead and prosecute, and be sued, impleaded and prosecuted, in all courts of record, or any other courts or places whatsoever, and do and suffer all other acts and things, which bodies politic may and ought to do and suffer: And said corporation shall have full power and authority to make, use and have a common seal, and the same at pleasure to break, alter and renew.

Persons incorporated.

Name altered
1798 ch. 46.

SECT. 2. *And be it further enacted,* That the stock or capital of said corporation, and until it be augmented in manner herein after authorized, shall consist of three hundred thousand dollars, which shall be divided into three thousand shares; each share consisting of one hundred dollars: the said sum to be paid by instalments in manner following, to wit—on or before the first day of September next, and previous to any insurance made, ten dollars on each share: the remainder of said capital, to be completed at the expiration of nine years from the first day of said September, by annual payments of ten dollars on each share.

Amount which the capital shall consist of, and each share.

SECT. 3. *And be it further enacted,* That said proprietors may and they are hereby authorized to augment at any future period, at their discretion, their capital to any sum which shall not exceed six hundred thousand dollars, to be appropriated to the same purposes, and invested in the same stock and funds as is herein after mentioned.

Stock may be augmented.

SECT. 4. *And be it further enacted,* That if at any time, previous to the expiration of said nine years, the losses of said company shall exceed the amount of stock on hand, in such case, said corporation shall equally apportion the amount of all demands upon said company, on all the shares, and make an assessment of the amount of such apportionment, and of ten additional dollars on each share; which assessment shall be

Losses to be equally apportioned on all shares.

payable in sixty days after public notice shall be given thereof by an advertisement in any Boston newspaper. *Provided always*, that no proprietor shall be liable, or his estate, real or personal, answerable for any sum exceeding one hundred dollars on each share he holds.

SECT. 5. *And be it further enacted*, That if any proprietor shall fail to make payment of said assessment last mentioned, after said notice, on or before the expiration of said sixty days, the said corporation are hereby authorized and empowered to sue for and recover said assessment; any law, usage or custom to the contrary notwithstanding. And if any proprietor shall fail to pay his annual instalment, or any assessment lawfully made by said corporation, on such proprietor, on or before the day appointed for payment of the same, the said corporation are hereby authorized and empowered to sue for and recover the same in manner aforesaid; and such delinquent proprietor shall forfeit his right and title to all interests, premiums and profits then due, and that shall become due, prior to his actual payment of such instalment or assessment, and the same shall enure and accrue to the use and benefit of said corporation.

SECT. 6. *And be it further enacted*, That the capital of said corporation, after being collected at each instalment, shall, within sixty 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 said company, or of other officers, which the proprietors shall for such purpose appoint. And that the interest arising from said stock, and the premiums received, shall be annually divided among the proprietors: *Provided always*, that if any loss or losses shall at any time diminish the capital, at such time collected, in such case no dividend shall be made until such loss or losses be completely restored.

SECT. 7. *And be it further enacted*. That said corporation may, and they hereby are authorized and empowered to make insurance against fire, on dwelling-houses, and all other buildings whatsoever, and on all goods, wares and merchandizes on land, to any amount not exceeding three fourths of the value of the buildings or other property insured.

SECT. 8. *And be it further enacted*, That nothing in this Act shall be deemed or construed to extend, to authorize or empower said corporation to be seized or possessed of any real estate, except such as shall be occupied by said corporation, for transaction of the business of the company.

SECT. 9. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate funds, shall be liable to attachments, 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 office-keeper of said company, and the debtor's shares in said corporate funds shall be held to respond said suit, according to law: And all transfers of the debtors' shares not noted in the company's books previous to the delivery of

Corporation empowered to sue proprietors in case of non-payment of assessments and annual instalments.

Capital to be invested in a secure place.

Interest annually divided.

Proviso.

Corporation empowered to insure against fire.

Powers extended 1798 ch. 46.

Debarred the possession of real estate, except, &c.

Property of individual members liable to attachment.

such summons, shall be barred thereby, and execution may be levied upon the property of any proprietor in said company, and his shares therein exposed to sale, in the same manner as is by law provided where 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 office-keeper of said company; 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 upon any attachment being made, or execution levied upon any shares in said funds, it shall be the duty of said office-keeper, and the keeper of said company's books, to expose the books of said corporation to the officer, and to furnish him with a certificate under his or their hand, in his or their official capacity, ascertaining the number of shares the debtor holds, and the amount of dividends due thereon.

SECT. 10. *And be it further enacted*, That for the well governing and regulating the affairs of said corporation, they shall have such officers as they shall hereafter appoint, and shall grant them suitable compensation for their services; and such officers shall be capable of exercising such powers as shall be designated and annexed to their office by the laws and regulations of said corporation for the well governing the same; and for that purpose, of calling such occasional meetings as shall be fixed and determined by said laws and regulations.

Officers to be appointed, with suitable powers.

SECT. 11. *And be it further enacted*, That at all meetings of said corporation, every matter shall be decided by the major votes of persons present, who are proprietors, or who represent proprietors. The number of votes to be determined by the number of shares each voter holds or represents; *Provided*, no proprietor or voter shall be entitled to more than ten votes.

Majority of present voters, to decide on all matters.

SECT. 12. *And be it further enacted*, That John Andrews, John Winthrop and Jesse Putnam, or any two of them, be empowered to call a meeting of said proprietors, at such time and place as they may think convenient, by advertising the same in any Boston newspaper, seven days before the time of holding such meeting.

Persons empowered to call meetings.

SECT. 13. *And be it further enacted*, That this Act shall remain in force for the term of twelve years, and no longer. [June 25, 1795.] Add. acts—1798 ch. 46: 1805 ch. 47: 1814 ch. 82.

Act limited. (Extended by 1814 ch. 82.)

An ACT to incorporate certain persons who have formed a society for the information and aid of foreigners in their migration and settlement, by the name of the Massachusetts Society for the aid of Emigrants.

1795
Chap. 24.

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 Andrews, Joseph Blake, Martin Brimmer, William Brown, Samuel Brown, Charles Bulfinch, Benjamin Clarke, Thomas Clark, John Codman, Robert Davis, Richard Devens, Aaron Dexter, Joseph Eckley, Edward Edes, Frederick William Geyer, Nathaniel Gorham, Stephen Gorham, Henry Hill, Joseph Howard, William Lambert, Benjamin Lincoln, William Little, John Lowell, John Lucas, Theodore Lyman, Mungo

Persons incorporated.

Mackay, Joseph May, Jedediah Morse, Samuel Parkman, Aaron Putnam, Thomas H. Perkins, Thomas Robinson, Thomas Russell, Joseph Russell, Samuel Sewall, William Sherburne, Elisha Sigourney, Samuel Smith, Oliver Smith, William Smith, Russell Sturgis, Peter Thacher, Edward Tuckerman, Charles Vaughan, Ebenezer Wales and Josiah Waters, with all others who being citizens of this Commonwealth, are or shall become their associates, be and they hereby are constituted and made a corporation, by the name of the Massachusetts Society for the aid of Emigrants, and shall be capable of taking and holding, by virtue of any purchase, gift or devise, any real or other estate not exceeding, in the whole amount, the sum of twenty thousand dollars. And the said corporation shall hold meetings, for the choice of its officers, on the first Tuesday of June annually.

Amount of property they may hold.

Duty and care of the society.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the more especial care of the said society to render to all foreigners, not of ill fame, who shall arrive within this Commonwealth, and shall make suitable application to the said society, their officers or agents, the most needful information and advice, to promote the advantageous settlement and employment of such emigrants. And the said society shall provide for the making and preserving accurate lists and memorials, as far as may be, of the names, nation, age, sex, condition, handicraft, employment and settlement of all emigrants which shall come to their knowledge, and such lists or memorials, and all other doings of the said society, shall be open to the inspection of the supreme executive, and of the legislature of this Commonwealth, upon their requisition.

Persons of ill fame not to be admitted.

SECT. 3. *And be it further enacted,* That the said society shall take especial care to prevent convicts, and persons of notorious ill fame, from being brought into this Commonwealth by any master, or other person having charge of any vessel, and the penalty and forfeiture established against such offence, by the Act for the relief, employment and removal of the poor, and for repealing all former laws made for those purposes, passed February the twenty-sixth, seventeen hundred and ninety-four, may be prosecuted for by the said society, their officers or agents; and when recovered on such prosecution, shall enure wholly to the said society, and shall be appropriated under their direction, to promote the design of this incorporation.

Selectmen empowered to attend to applications.

SECT. 4. *And be it further enacted,* That in order to render the beneficial purposes of the aforementioned institution as extensive as possible, the selectmen of the several towns of this Commonwealth are hereby directed and empowered to pay suitable attention to the applications of emigrants, and to give to all persons of good character such advice and information as will enable them to obtain the earliest employment in their respective occupations. [June 25, 1795.]

1796
Chap. 32.

An ACT for regulating Hackney Carriages in the town of Boston, and to repeal an Act 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 no person or persons shall be permitted to set up or employ any coach, chariot, coachee or other carriage in the town of Boston, for the purpose of conveying persons for hire, until the owner thereof shall obtain a license for that purpose, in writing, from the major part of the selectmen of said town, which license shall be and remain in full force for one year from the date of it, unless sooner revoked or annulled by said selectmen or a major part of them; and the said selectmen are hereby authorized to grant licenses for such number of hackney coaches and carriages, and to make such rules and regulations for the standing of said carriages in the different streets of said town, as they shall judge proper, and the same to change and vary, as occasion may require.

Carriages to be licensed.

SECT. 2. *And be it further enacted,* That the selectmen of said town be and they are hereby authorized and directed to cause all such hackney carriages to be numbered and registered in a book to be kept by the town clerk for that purpose, and the number of each carriage shall be fixed upon the same in such conspicuous place or places as the said selectmen shall direct; and the fees for each license, to be paid by the person receiving the same, shall be one dollar.

To be numbered and registered.

SECT. 3. *And be it further enacted,* That any person who shall set up or use any hackney carriage for the purpose aforesaid, without having obtained a license from the said selectmen, or who, having obtained such license, shall continue to keep and use such carriage after the same license shall be revoked, annulled or become void, according to this Act, shall forfeit and pay for every time such carriage shall be used, a sum not exceeding four dollars. And every such hackney carriage that shall be found standing or plying in any street or highway contrary to the regulations of the said selectmen, or without its number painted on it as aforesaid, or after the license therefor shall have been revoked or annulled by the said selectmen, or expired by this Act and before the same shall have been renewed, shall be considered as an unlicensed carriage, and the owner of the same shall be subjected to the like forfeiture as in the case of an unlicensed carriage for every such offence.

Penalty for using unlicensed carriages.

SECT. 4. *And be it further enacted,* That the said selectmen be and hereby are authorized and empowered to revoke and annul any license by them given as aforesaid, at any time they may think proper, for the breach of any rules and regulations by them prescribed, or for any gross misbehaviour of the driver in driving, in abusive language or otherwise, complaint having been previously made to them and they having heard the parties, or the owner, after reasonable notice, making default of appearance to answer thereto.

Licenses may be annulled,

SECT. 5. *And be it further enacted,* That the person in whose name a license is taken out for any hackney carriage as aforesaid, shall, for all the purposes of this Act, be considered as the owner of the same and liable to all forfeitures and penalties herein contained, unless upon the sale of his carriage notice be given thereof and the license delivered up to the selectmen; and the publications of the rules and regulations of said select-

Persons taking licenses, to be considered as owners.

men, and of the annulling and revoking any license as aforesaid, in the newspaper printed by the printer for the Commonwealth, for the time being, shall be deemed and taken, to all intents and purposes, as sufficient notice of the same to all such owners of carriages as aforesaid.

SECT. 6. *And be it further enacted,* That a major part of the selectmen be authorized and empowered to make such rules and regulations, establishing the rates and prices to be paid for the carriage and conveyance of persons in said hackney coaches within the limits of the town of Boston, as they may from time to time judge reasonable, regard being had to the time and distance. And if any owner or driver of a hackney carriage shall demand and extort from any person or persons a sum beyond the rates which may thus be established by the said selectmen, the license of such carriage, upon complaint made to the selectmen as aforesaid, after a due hearing, may be forfeited and revoked, and the owner shall be further liable to refund the sum thus received and extorted to the party grieved. And all the penalties and forfeitures aforesaid, shall be recovered in an action on the case, before any Justice of the Peace of the county of Suffolk, to the use of the person who shall sue for the same.

SECT. 7. *And be it further enacted,* That an Act for regulating hackney carriages in the town of Boston made and passed on the twenty-third day of February, in the year of our Lord one thousand seven hundred and ninety-six be and the same hereby is repealed, excepting so far as the licenses granted under the same Act shall continue and be in force, but subject to the conditions and limitations of this Act. [Nov. 25, 1796.]

An ACT to set off part of the parish in the town of Stoughton, in the county of Norfolk, and to annex the same to the North Parish in the town of Bridgewater, 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 the lands comprised within the following described line, with the inhabitants dwelling thereon, viz. beginning at the southwest corner of the widow Relief Leach's land (in the town of Stoughton) on the west line of the school lot; thence running north on said line until it comes to land belonging to Caleb Howard; thence east in the range of said Howard's and Nathaniel Littlefield, junr's. land until it comes to the Randolph line; thence southeasterly on said line until it comes to Nathaniel Littlefield's land; thence westerly in the range of Nathaniel Littlefield's and Nathaniel Littlefield, junr's. land until it comes to the road leading from Bridgewater to Boston; thence southerly by said road until it comes to the southwest corner of William Curtis' land; thence easterly and southeasterly in the range of said Curtis' and Nathaniel Littlefield's land until it comes to the said widow Leach's land; thence northeasterly in the range of said Leach's and Curtis' land until it comes to Randolph line; thence southerly on said line until it comes to the land of Gideon Howard; thence southwesterly in the range of said Howard's and Leach's land until it comes to Oliver Howard's land; thence in the range of said Howard's

Selectmen to establish rates, &c.

Penalty for extortion.

Penalties to be recovered.

Former act repealed.

1797

Chap. 42.

Boundaries—

and Leach's land until it comes to the first mentioned bounds, be and they hereby are set off from the parish in the town of Stoughton, and annexed to the north parish in the town of Bridgewater, and shall hereafter be considered a part of said parish, there to do duty, and receive privileges, as the other inhabitants of said parish do or may enjoy.

SECT. 2. *And be it further enacted*, That the persons living on or owning the above described land, shall be holden to pay all taxes that have been legally assessed upon them by the parish in Stoughton, in the same manner as if this Act had never passed. [*Feb. 8, 1798.*]

An Act in addition to an Act, entitled "An Act to incorporate sundry persons by the name of the Massachusetts Fire 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 said company, from and after the passing of this Act, shall be known by the name of the Massachusetts Fire and Marine Insurance Company; and shall have full power, and are hereby authorized, in addition to their former powers, to make insurance on all vessels, goods, wares and merchandize at sea and water borne, against all such risks, perils and dangers, as are lawful and accustomed.

SECT. 2. *Be it further enacted*, That said company shall not issue or subscribe any policy against any of the hazards aforesaid, until their present capital stock shall be augmented by adding thereto the sum of three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each, and until the sum of one hundred and eighty thousand dollars of said additional sum be actually paid into the office of said corporation.

SECT. 3. *Be it further enacted*, That the remainder of said sum, together with the remainder of the first capital of said company, now unpaid, shall be paid into the office of said corporation within three years from the passing of this Act, in proportions of one hundred thousand dollars annually, at such times of the year, and in such sums, as said corporation may agree upon; any thing in the Act to which this is in addition to the contrary notwithstanding. And in case of loss, to the amount of the capital actually paid in, by reason of any insurance in said office, the said corporation shall thereupon forthwith make such assessment or assessments, and collect the same, not exceeding the amount of the stock then due and unpaid, as may be necessary to discharge such loss: And every stockholder who shall be delinquent in the payment of said assessments, and all others made for the regular paying in of said capital stock, shall be subject to the same suits, penalties and forfeitures, as in and by the said Act is provided.

SECT. 4. *And be it further enacted*, That the sum of three hundred thousand dollars, of the stock aforesaid, shall be solely appropriated for the payment of all losses incurred by said company, by reason of any insurance against fire, until all the policies now actually subscribed by said company have expired, or shall be otherwise legally discharged. And if any part of said sum shall be appropriated or applied to the payment of

Set off.

Direction re-
specting taxes.1798
Chap. 46.
1795 ch. 22.

New title.

Increase of
capital made
necessary.Whole capital
to be paid in
three years.Complete pay-
ments to be at
once demand-
ed, if requisite
from great loss.300,000 dollars
appropriated
for fire insur-
ance, exclu-
sively.

any loss incurred by reason of any insurance against the perils upon the seas, to the injury of the present assured in said office, the directors of said company making such appropriation, shall be held answerable, in their private capacity, to the amount thereof, to the party injured; excepting therefrom such director who shall enter his protest, in writing, upon the records of the said company, against such appropriation, at the time of making the same.

State of funds,
&c. to be published.

SECT. 5. *And be it further enacted*, That said corporation, previous to their issuing any marine policy of insurance, shall publish in two of the Boston newspapers, the amount of their actual funds, the periods when the remainder will be paid, the greatest amount to be taken upon any one vessel or house, and the risks they propose to insure against; and they shall keep a fair printed copy thereof in some conspicuous place in their office, and publish the same annually. And the real estate, which said corporation are authorized and empowered to hold and purchase for transacting the business of said company, may be to the value of twenty thousand dollars, and no more.

Allowed to hold real estate.

Limitation of this act.

SECT. 6. *And be it further enacted*, That this Act, and the Act to which it is in addition, and the powers and privileges granted by the said Acts respectively, shall be and remain in full force for the space of twenty years from the twenty-fifth day of June, one thousand seven hundred and ninety-five; any thing in either of the Acts aforesaid to the contrary notwithstanding.

(Extended by 1814 ch. 82.)

President and director's private estates liable, in certain case.

SECT. 7. *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 corporation, 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.

Affairs of the corporation to be submitted to General Court.

SECT. 8. *And be it further enacted*, That the president and directors of said corporation shall, when and as often as required by the legislature of this Commonwealth, lay before them such a statement of their affairs, as the said legislature may deem it expedient to require, and submit to an examination thereon under oath.

Contracts confirmed.

SECT. 9. *Be it further enacted*, That all contracts heretofore entered into by said Fire Insurance Company, shall apply to the said Marine and Fire Insurance Company, as fully, to all intents and purposes, as they would have done to said Fire Insurance Company, if this Act had never been passed.

Previous provisions recognized.

SECT. 10. *And be it further enacted*, That all the provisions and regulations contained and expressed in the Act to which this is in addition, so far as the same renders the stock of the Fire Insurance Company liable to attachment, for the satisfaction of debts, and for preventing dividends in case the said stock shall be diminished by losses, shall have the same force and effect, touching the stock created by this Act, as if the same provisions and regulations were repeated and re-enacted in and by this present Act. [Feb. 13. 1799.] Add. act—1805 ch. 47: 1814 ch. 82.

Index

TO THE

FOURTH VOLUME.

ACADEMY,		Aqueduct, Cambridgeport,	17, 86
Day's,	33, 52, 58		
Franklin, Andover North pa-		B	
rish,	196	BANKS,	
Friends', New Bedford,	403	Bedford,	441
Middlesex, Female, Concord,	41	Beverly,	432
Newburyport,	110	Boston,	418
Pittsfield, Female,	62	Dedham,	544
Phillips', Andover, addition-		Gloucester,	438
al,	111, 523	Hampshire,	498
Accushnett River, New Bedford,		Lynn Mechanics',	552
proprietors on, authorized to build		Manufacturers' and Mechanics',	527
wharves,	51	Marblehead,	435, 521
ANNEXATION to the TOWNS of		Mechanics' Newburyport,	446, 489
Amherst,	333, 386, 525	Merchants', Salem,	366, 376
Athol,	7	Nantucket Pacific,	443
Becket,	269	Newburyport,	452
Berkley,	247	New England,	494
Berlin,	3	Northampton, continued,	487
Boxford,	191	Phoenix, Nantucket,	426
Brewster,	346	Plymouth, old, continued,	399
Charlestown,	342	Plymouth, new,	455
Dorchester,	518	Salem,	429
Fitchburg,	464	Springfield,	511
New Marlborough,	327	State,	370
Northborough,	3, 112	Taunton,	449
Oxford,	57, 200	Union,	424
Princeton,	251	Worcester,	421
Provincetown,	489	Baptist Seminary, West Springfield,	377
Quincy,	517	Bartlett, Samuel's estate to be con-	
Sandwich,	323	veyed,	359
Tyringham,	379	Blanford, School district fund esta-	
Upton,	165	lished,	172
Walpole,	342, 346	BOSTON,	
Whately,	282	Board of Health,	1
Aponegansett River, dam across au-		Collection of taxes,	178, 357
thorized,	57, 199	Constables' bonds,	179
VOL. IV.	72		

FISHERY,

Provincetown, Lobster,	418
Rochester,	212
Salem and Danvers,	100
Wellfleet,	514
Westfield River	535
Folger Charles, doings made valid,	49
Fresh Pond meadows, prôprieters authorized,	479, 504
Front Street Corporation, further provision,	28
Fuller and Bemis, Cotton mill and stock exempted,	36

G

Green's Harbour, Marshfield,	59
------------------------------	----

H

Harwich, meadows and beaches,	211, 314
Hull, prôprieters of Common lands,	360

I

INCORPORATION of TOWNS and Districts,	
Berlin,	377
Brighton,	70
Easthampton,	232
Fairhaven,	388
Lee, further provision,	12
Leyden,	198
Loudon,	241
Lynnfield,	552
Millbury,	485
North Brookfield,	392
Orange,	261
Phillipston,	514
Plainfield,	102
Randolph, further provision,	358
Seekonk,	390
South Reading,	389
Tolland,	299
Tyngsborough,	199
West Boylston,	128, 295
West Cambridge,	88
India Wharf, prôprieters incorporated,	151

INSURANCE COMPANIES,

Beverly Marine,	243, 294, 340, 481
Boston Marine,	183
Duxbury Marine,	328
Marblehead Social,	233, 300, 339, 484
Massachusetts Fire and Marine,	7, 557, 563

INSURANCE COMPANIES,

Merrimack,	505
Middlesex,	95
Newburyport Marine,	4
Social Salem,	142, 218, 542
Union Marine and Fire, Newburyport,	81, 267
Union Marine, Boston,	306

L

Lechmere Point Corporation,	279
Lee, Hopland School District,	306
Lincoln Grammar School Fund,	312

LINES AND BOUNDARIES,

Blanford and Chester,	197, 294
Blanford and Russell,	197
Chesterfield, Goshen and Williamsburgh,	252
Conway, Deerfield and Whately,	344
Dana and Greenwich,	342
Duxbury and Marshfield,	490

LOTTERY,

Amoskeag Falls,	36, 145, 292, 547
Dixville Road,	299
Hatfield Bridge,	42, 71, 183
Plymouth Beach,	393, 409
Union Locks and Canals, sale of tickets authorized,	556
Loudon, name changed to Otis,	294
LYNN, Long Wharf Company,	123
Mineral Spring,	290
Union Wharf Company,	272

M

Mansfield Isaac, inquests made valid,	13
---------------------------------------	----

MANUFACTURING CORPORATIONS,

Adams Cotton and Woollen,	218
Adams Glass,	407
Adams North village Cotton,	519
Adams South village,	535
Agawam Cotton, Woollen and Linen,	260, 383
Amesbury Wool and Cotton	464
Bellingham Woollen and Cotton,	522
Birmingham Factory,	382
Boston,	466
Boston Glass,	236
Boston Hat,	268
Boston Porcelain and Glass,	511
Bridgewater,	491
Bristol Cotton,	376
Cambridge Port,	225, 481
Central, Seekonk,	488
Cheshire Glass,	231

MANUFACTURING CORPORATIONS,

Danvers Cotton,	281
Dedham,	514
Dorchester Cotton and Iron,	339
Duxbury,	465
Eagle Steel, Canton,	471
Falls Cotton, Attleborough,	464
Fitchburgh Cotton,	116
Framingham,	463
Franklin,	491
Franklin Glass,	377
Gay Cotton, Stoughton,	510
Hampden Cotton,	505
Hampshire Lead,	410
Hampshire Leather,	238
Hingham Woollen,	459
Holden Cotton and Wool,	341
Holliston Cotton and Woollen,	488
Hoosack Cotton, Woollen and Linen,	219
Hopkinton Cotton,	361
Hopkinton and Framingham Cotton,	364
Housatonuck, Pittsfield,	396
Kingston Cotton and Woollen,	311
Jones River,	459
Lenox Cotton, Woollen and Linen,	220
Linum and Duck,	537
Linum Spinner,	520
Lynn Wire,	518
Magnesia,	460
Malden Nail,	269
Mansfield Cotton,	522
Marshfield Cotton and Wool,	348
Massachusetts File,	509
Massachusetts Salt Work,	215
Matfield, Bridgewater,	519
Medford Wire,	487
Medway Cotton,	220
Merino Wool, Dudley,	379
Middlefield Free Stone,	283
Neponset Cotton,	529
New Market, Middleborough,	488
Newton Wire,	398
Norfolk Cotton, Dedham, 130,	396
Northampton Cotton and Woollen,	296
Northborough,	526
Orange Cotton,	296
Palmer's River, Rehoboth,	436
Pawtucket,	470
Pembroke Cotton and Woollen,	519
Pembroke second Cotton and Woollen,	515

MANUFACTURING CORPORATIONS,

Pittsfield Woollen and Cotton,	217, 530
Plymouth Cotton,	232
Plymouth Woollen and Cotton,	530
Plympton Cotton,	473
Plympton Wool,	523
Royalston Cotton and Wool,	472
Salem Iron,	302
Sharon Cotton,	303
Stony Brook, Wrentham,	540
Sturbridge,	458
Sutton and Charlton Cotton, Woollen and Linen,	336
Swansey Union,	524
Troy Cotton and Woollen,	534
Union Walpole,	485
Village Cotton, Wool and Linen, Dudley,	406
Wallowopogge, Wrentham,	524
Walpole,	510
Waltham Cotton and Wool,	462
Ware Mining,	325
Watertown Woollen,	541
West Boylston,	509
Westfield,	405
Wrentham,	406
Marblehead Marine Society, to erect land marks,	74
Marshpee, parsonage established	493
Mattakeset Creeks, proprietors of,	314
Mechanic Association, Massachusetts Charitable,	21, 552
Merrimack Boating Company,	344
Mills on Charles River, proprietors, meetings how notified,	186
Mills on Mill Creek and Neponset River,	226
MINISTERIAL FUNDS,	
Andover North Parish,	168
Andover South Parish,	252
Berkley,	481
Brewster,	331
Byfield,	398
Concord,	430
Deerfield,	58
Groton, Sawtell Donation,	327
Malden,	125
Marlborough, Second Parish,	410
Natick,	414
Rehoboth,	479
Springfield,	19
Templeton,	313
Watertown,	383
Woburn,	255

N

Names altered,	40, 41, 48, 75, 76,	109,
	110, 175, 176, 195, 196, 225,	239,
	286, 287, 296, 324, 343, 400,	417,
	460, 463, 474, 504,	543
Newbury, proprietors of salt-marsh on Cart-creek, incorporated,		90
Newburyport Athenæum,		258
Bathing House,		92
damage by fire, to secure against,	340,	407
appointment of Constables, and collection of taxes,		352

P

PARISHES, PRECINCTS AND RELIGIOUS SOCIETIES,		
Abington Union Calvinistic,		133
Abington third Congregational,		467
Amesbury first Baptist,		315
Ashby and Fitchburg, first Baptist,		297
Attleborough second Congregational,		71
Barnstable and Yarmouth Baptist,		200
Becket proprietors in Meeting house, in the first Congrega- tional Society,		187
Bedford Precinct,		142
Bellingham first Baptist,		307
Bernardston first Baptist,		164
Bethlehem and Loudon united Congregational,		64
Beverly third Congregational, annexation to,		191
Boston first Universalist,		25
Boston Hollis Street,		223
Boston Methodist,		213
Boston New South, assessments,		550
Boxford second, annexation to,		295
Boylston first precinct, setting off from,		5
Boylston, Sterling and Holden second precinct, annexation to,		5
Bridgewater, east parish, an- nexation to,		492
Bridgewater north parish an- nexation to,		562
Byfield, Newbury and Brad- ford, parish lines,		230
Cambridge-port Meeting House,		103
Cambridge-port parish,		146

PARISHES, PRECINCTS AND RELIGIOUS SOCIETIES,

Carver first Baptist,	355
Charlestown first Universalist,	326
Charlestown first parish,	391
Charlton second religious,	164
Chester, Baptist and Independ- ent,	322
Danvers north parish, annex- ation to,	25
Danvers north parish, certain lands, exempted from taxa- tion,	89
Dorchester second parish,	106
Douglas Congregational,	10
Easton Congregational,	272
Egremont Baptist,	184
Falmouth and Sandwich Me- thodist,	334
Fitchburgh second society, an- nexation to,	153
Fitchburgh parishes united,	510
Framingham first Baptist,	416
Gloucester Baptist,	358
Greenfield St. James, Protes- tant Episcopal,	494
Harwich first Methodist,	210
Hingham third Congregational,	63
Hingham new north Meeting house,	86
Lenox Protestant Episcopal, persons annexed,	113
Lenox Methodist Episcopal,	355
Lynn Eastern Methodist,	475
Marlborough second parish,	135
Medfield first Baptist,	354
Medhuen second parish,	98
Middleborough Titiquot parish, annexation,	298
Nantucket second Congrega- tional Meeting house,	300
Nantucket first Congregational,	310
Newbury, new Meeting house, High Street,	154
Newbury new Meeting house, fourth parish,	216
Newbury and Newburyport, Baptist,	323, 330
Newburyport proprietors of Meeting house of first Baptist Society,	156
Newton St. Mary's Episcopal,	501
Pittsfield, Hancock, Dalton and Washington Methodist,	179
Pittsfield, annexation to,	397

PARISHES, PRECINCTS AND RELIGIOUS SOCIETIES,

Plymouth second precinct,	261
Provincetown Methodist Episcopal,	362
Quincy Christ's Church,	525
Reading second parish, annexation to,	504
Rowley first Baptist,	343
Roxbury third parish, annexation to,	52, 390, 477
Royalston Baptist,	121
Salem Baptist,	29
Salem St. Peter's Church,	298, 473
Salem first Universalist,	395
Salisbury first Methodist,	347
Salisbury first Baptist,	380
Salisbury first Universal,	387
Sandwich Calvinistic,	548
St. Andrews Episcopal, Hanover,	317
Savoy first Congregational,	306
Scituate first Universalist,	408
Sheffield Episcopal,	533
Sutton north parish, annexation to,	333
Tisbury Baptist,	122
Tyringham first Congregational,	228
Warwick Universalist,	541
West Boston Society,	13
West Stockbridge first Baptist, annexation to,	132, 357
West Springfield second parish, annexation to,	500
Weymouth and Braintree Union,	308
Williamstown Meeting house,	24
Windsor Baptist,	60
Woburn first Baptist,	350
Partridgefield, name changed to Peru,	50
Plumb Island, cattle restrained,	23
Plymouth, Board of Health,	262
Pond Street Corporation,	26, 182
Prison Point Dam Corporation,	44, 555
Protestant Episcopal Donations,	277 304

Q

Quincy Town River, dam authorized, 47

R

Rocky Pond, use of waters authorized, 69

S

Salem Athenæum,	283
Derby Wharf Corporation,	270
India Wharf Corporation,	236
Union Street Corporation,	188
Union Wharf,	166, 287
Sandy Bay Pier Company,	319
Society, American Antiquarian,	461
American Board of Commissioners for foreign Missions,	413
Baptist Missionary,	140
Berkshire Agricultural,	316
Beverley Charitable,	209
Boston Marine,	198
Charitable Irish,	198
Christian Monitor,	401
Name changed to the Society for promoting christian knowledge, piety and charity,	460
Evangelical Missionary,	550
Franklin Mechanic, Marblehead,	241
Massachusetts Bible,	248
Massachusetts, for promoting christian knowledge,	67
Massachusetts Missionary,	131
Massachusetts, for encouragement of useful inventions,	206
Massachusetts Emigrant,	559
Merrimack Bible,	266
Newburyport Mechanic,	282
Religious Charitable, Worcester,	516
Salem Bible,	320
Springfield, common field,	50
Springfield school funds,	274
Suffolk, justices C. C. P. authorized to purchase land for a court house,	269

T

Taunton Great River, dam authorized,	492
Theological Institution, Andover,	523
Truro Pond Harbour Corporation,	53

TURNPIKE,

Alford and Egremont,	31
allowed further time,	303
to erect a gate,	364
Alford and West Stockbridge,	119
Andover and Medford,	76
Ashby	2
Belchertown and Greenwich,	103, 162

TURNPIKE,		TURNPIKE,	
Bethlehem and Tyringham,	104	Nashua,	130, 183
Bluehill,	104	New Bedford and Bridgewater,	88, 190
Boston Neck,	276		
Brookfield and Charlton,	177, 473	Newburyport,	171, 357
Brush Hill,	260	Norfolk and Bristol,	35
Brush Hill, second,	38, 397	Norton,	2
Dalton and Middlefield,	120	Petersham and Monson,	103, 131
Dartmouth and New Bedford,	170	Plumb Island,	5
Douglas, Sutton and Oxford,	185	Providence and Northampton,	176
Essex,	32, 76, 212	Sheffield and Great Barrington,	92
Granville,	242, 388	Sheffield and Tyringham,	114
Great Barrington and Alford,	365	Stockbridge,	91
Groton and Pepperell,	213	Sturbridge and Western,	111
Hartford and Dedham,	208, 466	Stoughton,	51, 341
Hingham and Quincy,	159	Taunton and South Boston,	47
Housatonick River,	11, 162, 315	Taunton and Dighton,	478
course of, confirmed,	206	Taunton and New Bedford,	151
Hudson,	163	Tyringham and Sandisfield,	303
Lancaster,	66	Union,	196, 292
Lancaster and Bolton,	33	Westford and Lexington,	105
Mashapog,	105	Woburn and Dracut Bridge,	287
Massachusetts first,	492	Worcester,	15, 191, 215
Massachusetts fifth,	305	Worcester and Stafford,	3, 240, 285
Massachusetts tenth, doings con-		Worcester and Sutton,	277
firmed,	74	Worcester and Fitzwilliam,	
Massachusetts twelfth,	52		300, 382
Massachusetts fourteenth,	11, 73,	Worcester and Leicester,	397
	85, 176	Wrentham and Walpole,	37, 304
Massachusetts fifteenth,	67, 380		
Massachusetts sixteenth,	156, 319		
Medford,	163		
Middlesex,	46, 293, 335, 346		
Middleborough and New Bed-			
ford,	171		

V

Vinall John, punishment remitted, 50



